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JOURNAL OF THE SENATE

FOR THE

FIFTH SESSION

OF THE

GENERAL ASSEMBLY

OF THE

STATE OF ARKANSAS,

BEGUN AND HELD AT THE CAPITOL, IN THE CITY OF LITTLE ROCK, ON MONDAY, THE FOURTH DAY OF NOVEMBER, IN THE YEAR OF LORD ONE THOUSAND EIGHT HUNDRED AND FORTY-FOUR, AND OF THE AMERICAN INDEPENDENCE, THE SIXTY-NINTH YEAR, AND ENDED ON FRIDAY, THE TENTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND FORTY-FIVE.

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JOURNAL OF THE SENATE.

MONDAY, *November 4th*, 1844.

This being the day fixed upon by the Constitution of the State of Arkansas, for a meeting of the General Assembly thereof, and a quorum of Senators appearing at their chamber in the State House,

On motion of Mr. McCamy, Mr. Trimble was called to the chair, the following Senators being present, to wit:

WILLIAM BLACK, from the counties of Randolph and Green,
JOHN CLARK, from Chicot, Union and Bradley,
THOMAS C. HUDSON, from Pike and Clark,
CHARLES NEELY, from St. Francis and Poinsett,
SAMUEL W. REYBURN, from Saline and Hot Spring,
WILLIAM TRIMBLE, from Hempstead,
JOHN G. WALKER, from Benton and Madison,
JAMES YELL, from Jefferson, Arkansas and Desha.

The following Senators elect, appeared, presented their credentials, were duly qualified and took their seats, to wit:

ROBERT McCAMY, from the county of Washington,
WILLIAM C. MITCHELL, from Carroll and Newton,
J. D. SHAW, from Searcy and Marion,
JESSE C. GAINER, from Izard, Van Buren and Fulton,
JOHN S. FICKLIN, from Lawrence,
DAVID MAXWELL, from Jackson, White and Monroe,
CHARLES H. PELHAM, from Independence,
JOSEPH W. McKEAN, from Sevier, Lafayette and Pike,
THOMAS W. NEWTON, from Pulaski,
HANS SMITH, from Crawford,
JOHN WILLIAMSON, from Pope and Yell,
MOREAU ROSE, from Johnson,
DENNIS Q. STELL, from Conway and Perry,
JAMES F. GAINES, from Franklin and Scott.

The three Senators absent are Messrs. Mark Bean, of Washington county; Peter G. Rives, from Mississippi and Crittenden, and Miller Irvin, from Phillips.

On motion of Mr. McCamy, the Senate went into an election for President.

Mr. Neely nominated John Williamson, and Mr. Reyburn nominated John S. Ficklin.

The roll was called, when it appeared that there were twelve votes for John Williamson; eight votes for John S. Ficklin, and one vote for Robert McCamy.

Those Senators who voted for John Williamson, are Messrs. Clark, Ficklin, Gaines, McCamy, McKean, Neely, Newton, Rose, Shaw, Trimble, Walker and Yell—12.

Those Senators who voted for John S. Ficklin, are Messrs. Black, Gainer, Hudson, Maxwell, Mitchell, Pelham, Reyburn and Williamson—8.

The Senator who voted for Robert McCamy, is Mr. Smith—1.

Whereupon, John Williamson, having received a majority of all the votes, was declared duly elected President of the Senate for, and during the period prescribed by law; whereupon, the President *pro tem* appointed Messrs. Neely and McKean to conduct the President elect to the chair; who returned his thanks to the Senate, for the honor conferred, in a short address, and having taken the oath of office, entered upon the discharge of his duties as President.

On motion of Mr. Gaines, the Senate went into an election for Secretary of the Senate.

Mr. Smith nominated Jonas M. Tebbetts.

Mr. McKean nominated Archibald H. Rutherford.

Mr. Neely nominated John M. Ross.

The roll being called, it appeared that Jonas M. Tebbetts had five votes, Archibald H. Rutherford had six votes, and John M. Ross had ten votes.

Those Senators who voted for Jonas M. Tebbetts, are Messrs. Gaines, Maxwell, McCamy, Smith and Yell—5.

Those Senators who voted for Archibald H. Rutherford, are Messrs. Clark, Hudson, McKean, Newton, Pelham and Williamson—6.

Those Senators who voted for John M. Ross, are Messrs. Black, Ficklin, Gainer, Mitchell, Neely, Reyburn, Rose, Shaw, Trimble and Walker—10.

None of the candidates having received a majority of all the votes given, the chairman announced that no choice was as yet made.

On motion of Mr. Ficklin, the Senate prcoeeded to a second ballot, and the roll being called, it appeared that Jonas M. Tebbetts, had four votes, Archibald H. Rutherford had six votes, and John M. Ross had eleven votes.

Those Senators who voted for Jonas M. Tebbetts, are Messrs. Gaines, Maxwell, McCamy and Smith—4.

Those Senators who voted for Archibald H. Rutherford, are Messrs. Clark, Hudson, McKean, Newton, Pelham and Yell—6.

Those Senators who voted for John M. Ross, are Messrs. Black, Ficklin, Gainer, Mitchell, Neely, Reyburn, Rose, Shaw, Trimble, Walker and Mr. President—11.

The President announced that John M. Ross, having received a majority of all the votes, was duly elected Secretary of the Senate; who, thereupon, took the oath of office, and entered on the discharge of his duties.

On motion of Mr. Yell, the Senate proceeded to the election of Assistant Secretary of the Senate.

Mr. Reyburn nominated Archibald O. Greer.

Mr. Smith nominated Benjamin T. Duval.

Mr. Rose nominated John S. Houston.

The roll being called, it appeared that Archibald O. Greer had twelve votes, Benjamin T. Duval had one vote, and John S. Houston had eight votes.

Those Senators who voted for Archibald O. Greer, are Messrs. Black, Clark, Ficklin, Gainer, Gaines, McCamy, McKean, Newton, Pelham, Reyburn, Trimble and Yell—12.

Those Senators who voted for John S. Houston, are Messrs. Hudson, Maxwell, Mitchell, Neely, Rose, Shaw, Walker, and Mr. President—8.

The Senator who voted for Benjamin T. Duvall, is Mr. Smith—1.

The President announced, that Archibald O. Greer, having received a majority of all the votes given, was declared duly elected Assistant Secretary of the senate; who thereupon took the oath of office and entered upon the discharge of his duties.

On motion of Mr. Yell, the senate proceeded to the election of door-keeper.

Mr. Neely nominated John Hickey.

Mr. Mitchell nominated William Wood.

Mr. Ficklin nominated Isaac J. Howard.

Mr. Smith nominated Waller Wright.

Mr. Pelham nominated George Counts.

The roll being called, it appeared that John Hickey had four votes; William Wood had two votes, Isaac J. Howard had five votes, Waller Wright had three votes, and George Counts had eight votes.

Those Senators who voted for John Hickey, are Messrs. McCamy, Rose, Walker and Mr. President—4.

Those Senators who voted for William Wood, are Messrs. Mitchell and Yell—2.

Those Senators who voted for Isaac J. Howard, are Messrs. Ficklin, Hudson, Neely, Reyburn and Trimble—5.

Those Senators who voted for Waller Wright, are Messrs. Clark, Newton and Smith—3.

Those Senators who voted for George Counts, are Messrs. Black, Gainer, Gaines, Maxwell, McKean, Pelham, Shaw and Stell—8.

None of the candidates having received a majority of all the votes, the President announced that no choice was made:

Whereupon, on motion of Mr. Ficklin, the Senate proceeded to ballot a second time.

The roll being called, it appeared that John Hickey had four votes, Isaac J. Howard had six votes, Waller Wright had one vote, and George Counts had eleven votes.

Those Senators who voted for John Hickey, are Messrs. McCamy, Smith, Walker and Mr. President—4.

Those Senators who voted for Isaac J. Howard, are Messrs. Ficklin, Hudson, Neely, Reyburn, Rose and Yell—6.

Those Senators who voted for George Counts, are Messrs. Black, Gainer, Gaines, Maxwell, Mitchell, McKean, Newton, Pelham, Shaw, Stell and Trimble—11.

The Senator who voted for Waller Wright, is Mr. Clark—1.

Neither of the candidates having received a majority of all the votes, the President announced that there was no choice made:

Whereupon, on motion of Mr. Ficklin, the Senate proceeded to ballot a third time, for doorkeeper.

The roll being called, it appeared that John Hickey had three votes, Isaac J. Howard had five votes, and George Counts had fourteen votes.

Those Senators who voted for John Hickey, are Messrs. McCamy, Walker and Mr. President—3.

Those Senators who voted for Isaac J. Howard, are Messrs. Hudson, Maxwell, Reyburn, Rose and Yell—5.

Those Senators who voted for George Counts, are Messrs. Black, Clark, Ficklin, Gainer, Gaines, Mitchell, McKean, Neely, Newton, Pelham, Shaw, Smith, Stell and Trimble—14.

The President announced that George Counts, having received a majority of all the votes given, was declared duly elected doorkeeper; who, thereupon took the oath of office, and entered upon the discharge of his duties.

On motion of Mr. Ficklin,

Resolved, That the House of Representatives be informed, that the Senate have organized by electing John Williamson, President, John M. Ross, Secretary, A. O. Greer, Assistant Secretary, and George Counts, Doorkeeper, and are now ready to proceed to business.

On motion of Mr. Ficklin, the Senate adjourned until to-morrow morning, 9 o'clock.

JOHN WILLIAMSON, *President of the Senate.*

TUESDAY, *November 5th*, 1844.

The Senate met pursuant to adjournment.

The journal of yesterday was read.

The following message was received from the House of Representatives, by S. S. Tucker, Esq., Clerk.

"MR. PRESIDENT—I am instructed by the House of Representatives, to inform your honorable body, that the House of Representatives, have organized by electing the Honorable John S. Roan, of Crawford county, Speaker, Stephen S. Tucker, Principal, and Alexander McKisick, Assistant Clerks; and William Triplett, Doorkeeper, and are now ready to proceed to business."

Mr. Yell announced to the Senate, that Miller Irvin, the Senator elect from the county of Phillips was present; who, thereupon, presented his credentials, was duly sworn into office and took his seat.

Mr. Yell introduced the following resolutions,

Resolved, That the President of the Senate appoint a committee of three, with such committee as may be appointed on the part of the House of Representatives, to make, and report such Rules and Joint

Rules, as may be necessary for the government of the two Houses, and the intercourse between them.

And be it further resolved, that the rules and regulations adopted by the last General Assembly be adopted, and continued until other rules and regulations are adopted by the Senate."

Which were adopted; and Messrs Yell, Trimble and Smith, were appointed said committee.

Mr. Yell introduced the following resolution:

Resolved, That a select joint committee, consisting of two on the part of the Senate, and such number as may be appointed by the House of Representatives, to wait upon His Excellency, the Governor, and inform him that the two Houses have organized, and are now ready to receive any communication he may think proper to make.

Which was adopted, and Messrs. Ficklin and Clark, were appointed said committee.

Mr. Yell introduced the following resolution.

Resolved, By the Senate, that the Editors of the different newspapers, of the State of Arkansas, or their Reporters have leave to take seats within the bar of the Senate, for the purpose of taking minutes of such parts of the proceedings of the Senate, as they may think proper to publish.

Which was adopted.

The following message was received from the House of Representatives, by S. S. Tucker, Esq., Clerk.

Mr. President,—I am instructed by the House of Representatives, to inform your Honorable body, that the House of Representatives have appointed a committee of five, consisting of Messrs. Croft, Duval, Trapnall, Steel and Floyd, to act in conjunction with the committee appointed on the part of the Senate, to wait upon his Excellency, to inform him that the Legislature is organized for business, and are ready to receive communications from the Executive.

Mr. Black introduced the following resolution.

Resolved, That the Secretary of the Senate be requested to call on the Secretary of State, for twenty-five copies, each, of the Revised statutes of the State of Arkansas, and a like number of the pamphlet laws and journals, of the last session of the Legislature, and the Decisions of the Supreme Court, for the use of the Senate.

Which was adopted.

Mr. Gaines introduced the following preamble and resolutions:

Whereas, An all-wise Providence has taken to Himself, from amongst his friends, and from the service of his country, our fellow-citizen, the Hon. William S. Fulton, late a Senator of the United States, from the State of Arkansas:

Resolved, By the Senate and House of Representatives of the State of Arkansas; that this General Assembly deeply lament the untimely death of the deceased, whose easy manners, goodness of heart, and gentlemanly bearing, endeared him to all who knew him. In his death the State has lost a valuable citizen and a trusty public servant, of whom any people might well be proud; and one whose firm and consistent support of the principles he espoused, gave ample proof of the deep and abiding interest he felt in the welfare of his country. As our Senator, our interests and our rights were ever secure in his hands.

In him the State has lost a long tried and faithful public servant; for the respect due to his memory, and many valuable services, the members of this General Assembly will wear the usual badge of mourning for thirty days.

Resolved, That this General Assembly deeply sympathize with his disconsolate widow, children and relatives for this melancholy occurrence, as well as the irreparable loss they have sustained, in this sad bereavement.

Resolved, That the Secretary be requested to furnish his widow with a copy of the foregoing,

Which being read, Mr. Newton seconded with the following remarks:

Mr. President,—Although a melancholy duty, I second the resolutions of the gentleman from Scott, with pleasure, as the last testimonials we can give to one, who was emphatically the noblest work of God, "*an honest man.*" I knew the late Senator well, and, although differing from him in politics, I, with all cheerfulness bear my testimony of his many virtues on this sad occasion, and trust that the resolutions will be unanimously adopted.

On motion of Mr. Trimble, the rules were dispensed with, and the resolutions were unanimously adopted.

Mr. Ficklin, from the joint select committee, appointed to wait on his Excellency, the Governor, made the following report:

The committee appointed on the part of the Senate, to wait on his Excellency, report; That they have performed their duty, and are requested to say to the Senate, that his Excellency will make a written communication to both Houses, on this day, at 12 o'clock.

The following message was received from the House of Representatives, by S. S. Tucker, Esq., clerk.

Mr President,—I am instructed to inform your honorable body, that the House of Representatives sincerely concur in the resolutions of the Senate, as per message of this morning, to our respected and deceased Senator.

On motion of Mr. Ficklin, the Senate took a recess, until half after 11 o'clock, A. M.

At half after 11 o'clock, the Senate convened.

The following message was received from the House of Representatives, by S. S. Tucker, Esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives is now in readiness to receive the Senate, for the purpose of hearing a communication from the Executive.

In accordance with the foregoing message, the Senate repaired to the Hall of the House of Representatives.

After the reading of the Governor's message, the Senate returned to their chamber.

Mr. Walker, introduced the following resolution.

Resolved, That when the Senate adjourn on each day, that the adjournment be to 9 o'clock, A. M. on the ensuing day, unless otherwise ordered.

Mr. Yell moved to amend the resolution, by inserting 10 o'clock, instead of 9 o'clock, which amendment was accepted by the mover of the resolution.

Mr. Black moved to lay the resolution on the table, which motion was sustained, and the resolution laid on the table.

On motion of Mr. Gaines, the Senate adjourned.

JOHN WILLIAMSON, *President.*
of the Senate.

WEDNESDAY, *November* 6*th*, 1844.

The Senate met pursuant to adjournment.

The journal of yesterday was read.

The following message was received from the House of Representatives, by S. S. Tucker, Esq., clerk.

TUESDAY, *Nov.* 5*th*, 1844.

MR. PRESIDENT,—I am instructed to inform your honorable body, that the House of Representatives have adopted a resolution that 12 o'clock to-morrow be fixed upon for the time of opening and counting the votes of the respective counties in the State of Arkansas for Governor, and that the Senate be requested to concur therein.

Mr. Smith moved to concur in the resolution. The question being put, the resolution was concurred in.

Mr. Gaines give notice that on Tuesday next, he would introduce a bill amendatory of the estray laws of this State, and to reconcile the conflicting provisions of an act passed at the last session of the General Assembly, upon that subject, and "an act establishing a system of common schools."

On motion of Mr. Trimble, the resolution offered by Mr. Walker, on yesterday, fixing the hour of 10 o'clock, for the meeting of the Senate, was taken up.

Mr. Ficklin moved to amend the resolution by inserting 9 o'clock instead of 10. The resolution as amended, was adopted.

Mr. Hudson offered the following resolution:

Resolved, That 500 copies of the Governor's message be printed for the use of the Senate.

Mr. Ficklin moved to amend the resolution by inserting the report of the Auditor of public accounts, the report of the Secretary of State, and the report of the Treasurer of State, which were accepted by the mover of the resolution.

Mr. Gaines moved to amend the resolution by inserting, "500 copies of the Governor's message, with the accompanying documents."

Mr. Trimble moved the adoption of the amendment offered by Mr. Gaines; which was carried; and on further motion of Mr. Trimble, the resolution, as amended, was adopted.

Mr. Maxwell offered a resolution to go into the election of United States Senator on Thursday next, to fill the vacancy occasioned by the death of the Hon. William S. Fulton.

Mr. Yell moved to lay the resolution on the table.

Mr. Maxwell asked and obtained leave to withdraw his resolution; and it was withdrawn accordingly.

Mr. President presented a communication from the executive and financial receiver of the principal bank of the State of Arkansas, in relation to a debt of about 20,000 dollars due said bank by the North American Trust and Banking Company. Which was read.

Mr. Smith moved to refer the communication to the committee on banks.

Mr. Yell moved to lay it on the table.

Which motion was lost.

Mr. Ficklin moved a modification of Mr. Smith's motion by refering the communication to a joint select committee, consisting of two Senators, and such number of members as may be appointed on part of the House; which was accepted by Mr. Smith, and the communication was referred accordingly, and Messrs. Ficklin and Smith appointed a committee on part of the Senate, and the House of Representatives informed thereof.

Mr. Ficklin introduced the following resolutions:

Resolved, by the General Assembly of the State of Arkansas, That the two following articles be, and are hereby, adopted, as amendments to the constitution of this State; the first in lieu of section 15, article 6, title "judicial department," and the second in lieu of section 1, title "establishment of banks," to wit:

First. The qualified voters residing in each township, shall elect justices of the peace for their respective townships.

For every fifty voters, there may be elected one justice of the peace; *Provided*, That each township, however small, shall have two justices of the peace.

Justices of the peace shall be elected for the term of two years, and shall be commissioned by the Governor, and shall reside in the township for which they were elected, during their continuance in office. They shall individually, or two or more of them, have such jurisdiction in penal offences and criminal cases less than felony, as shall be conferred upon them by law; and in all other penal and criminal cases, they shall have power to sit as examining courts, and commit, discharge, or recognize the accused for further trial to the court having jurisdiction.

They shall have such jurisdiction in all matters of contract, as may be conferred upon them by law; and they shall likewise have such jurisdiction in all matters between individuals other than contract, as may be conferred upon them by the legislature. For the foregoing purposes, they shall have power to issue all necessary process.

They shall have power to bind to keep the peace, or for good behavior.

Second. The General Assembly shall have no power to incorporate any banking institution whatsoever; nor shall the faith and credit of the State be pledged to raise funds for any purpose whatever, except to pay the expenses to be incurred by invasion or rebellion, and to defray the ordinary expenses of the State, unless a proposition for that purpose be made at a regular session of the General Assembly, and two-thirds of all the members elected to each House concur therein, in which case such proposition shall be published with the acts of assembly of that session, and shall also be published for two months in all the newspapers printed in the State, previous to the next election for members of the General Assembly thereafter, and shall be continued until the next regular session of the General Assembly, at which time, if the same shall be passed by two-thirds of all the members elected to each House, it shall become a law: *Provided*, That said proposition shall be read on three several days to each House, as well as at the session when it shall be proposed, as at the session when the same shall become a law; and the vote upon the third reading at each session and in each House, shall be taken by yeas and nays, and entered upon the journals.

Which resolutions were read, and on motion of Mr. Ficklin, referred to a select committee, consisting of Messrs. Ficklin, Neely and Walker.

On motion of Mr. Walker, Mr. McCamy was added to said committee.

Mr. Stell introduced the following resolution:

Resolved, That the Senate go into the election of a United States Senator on Saturday next, at 11 o'clock A. M., to fill the vacancy occasioned by the death of the Honorable William S. Fulton, and that the House of Representatives be concur herein.

On motion of Mr. Yell, the resolution was laid on the table indefinitely.

On motion of Mr. Walker, Mr. Trimble was added to the committee on the resolutions introduced by Mr. Ficklin to amend the constitution of this State.

On motion of Mr. Yell, the Senate took a recess until half after 11 o'clock, A. M.

Af half after 11 o'clock, the Senate convened.

The following message was received from the House of Representatives, by S. S. Tucker, Esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives are now in readiness to receive the Senate, for the purpose of counting the votes for Governor.

In accordance with the above message the Senate repaired to the

Representative Hall, and after the counting of the votes for Govenor, returned to their chamber.

On motion of Mr. Trimble, the Senate adjourned.

JOHN WILLIAMSON, *President*
of the Senate.

THURSDAY, *November 7th*, 1844

The Senate met persuant to adjournment.

The journal of yesterday was read.

The following message was received from the House of Representatives, by S. S. Tucker, Esq., clerk.

MR. PRESIDENT—I am instructed to inform your honorable body, that the House of Representatives have appointed Messrs. Greenwood, Bertrand and Rust, a committee to act in conjunction with such committee as may be appointed on part of the Senate, to wait upon the Governor elect, and ascertain from him at what time it may be his pleasure to be installed in office.

Mr. President announced the following standing committees, to wit:

On the Judiciary.—Messrs. Trimble, Yell and Gaines.

On Auditor and Treasurer's Books.—Messrs. Smith, Maxwell and Newton.

On Public Buildings.—Messrs. Ficklin, Clark and Black.

On the Militia.—Messrs. Clark, Neely and Ficklin.

On Enrolled Bills.—Messrs. Mitchell, Walker and Rose.

On Internal Improvements.—Messrs. Neely, Smith and McKean.

On Education.—Messrs. McCamy, Trimble, Newton, Gaines and Neely.

On Public Expenditures.—Messrs. Irvin, Yell and Shaw.

On Ways and Means.—Messrs. Gaines, Clark and Stell.

On Memorials.—Messrs. Walker, Maxwell and Smith.

On Claims.—Messrs. Maxwell, Irvin and McKean.

On Counties and County Lines.—Messrs. Pelham, Shaw and Stell.

On Agriculture.—Messrs. Black, Hudson and Clark.

On Banks.—Messrs. Smith, Trimble, Maxwell, Yell, McCamy, Neely and Ficklin.

On the Penitentiary.—Messrs. Reyburn, Irvin, Maxwell, Shaw and Newton.

Mr. Maxwell offered the following resolution:

Resolved, That the secretary furnish the Senate with necessary stationery.

On motion of Mr. Ficklin, Mr. Maxwell withdrew his resolution.

On motion of Mr. Ficklin, the message from the House of Representatives, announcing the appointment of Messrs. Greenwood, Bertrand and Rust, a committee to wait on the Governor elect, was taken up and concurred in, and Messrs. Maxwell and Irvin appointed a committee on part of the Senate.

Mr. Neely offered the following resolution:

Resolved, That the two Houses of this General Assembly, proceed to the election of judges and prosecuting attorneys of the several judicial circuits of this State, on Monday next, at 12 o'clock, M., and that the House of Representatives be requested to concur therein.

Which was adopted; and the House informed thereof.

Mr. Gaines offered the following resolution:

Resolved, That a committee of two be appointed by the Senate, to act in conjunction with such committee as may be appointed by the House of Representatives, for the purpose of receiving proposals from all the printers of this city, for the execution of the printing of this General Assembly, during the sitting of the same; to include all job printing ordered by either House, but not to extend to the printing of the acts and journals; and that their different propositions be laid before the Senate.

Mr. Ficklin offered the following resolutions as a substitute for the resolution offered by Mr. Gaines:

Resolved, That the prices for all public printing as established by the last Legislature, be established as the prices to be paid for the like printing for the present session.

Be it further resolved, That the two Houses go into an election of Public Printer, on Tuesday next, and that the House of Representatives be requested to concur herein.

Which being read, were, on motion of Mr. Yell, referred to a Select Committee, consisting of Messrs. Yell, Gaines and Ficklin.

On motion of Mr. Yell, Messrs. Smith and Pelham were added to said Committee.

Mr. Neely gave notice, that on to-morrow, he would ask leave to introduce a bill to repeal "an act approved the 3d day of February, 1843, entitled "an act relating to public roads, and the overseers thereon."

Mr. Maxwell introduced the following resolution:

Resolved, That the Secretary furnish the Senate with necessary stationery, not provided for by the commissioner of public buildings,

Which was adopted.

Mr. Ficklin, introduced the following resolution:

Resolved, by the General Assembly of the State of Arkansas, That the following amendments be, and is hereby adopted to the Constitution of the State of Arkansas, in lieu of section ten, "Judicial Department," to-wit:

There shall be elected by the qualified voters of the respective counties, a presiding judge of the county court, to be commissioned by the Governor, and hold his office for the term of two years, and until his successor is elected and qualified: he shall, in addition to the duties that may be required of him by law, as presiding judge of the county court, be a judge of the court of probate, and have such jurisdiction in matters relative to the estates of deceased persons, executors, administrators and guardians, as may be prescribed by law, until otherwise directed by the General Assembly.

Which was read, and on motion of Mr. Ficklin, referred to the select committee, appointed on yesterday, to whom was referred Mr. Ficklin's resolutions to amend the Constitution of the State of Arkansas, introduced by him on yesierday.

Mr. Trimble introduced the following resolution:

Resolved, That the following be added to the fourth section, of the sixth Article of the Constitution of the State of Arkansas, to-wit: *Provided however*, that the General Assembly shall have power to pass such laws as may be necessary to compel the judges of the circuit courts of the State to interchange circuits, and to hold circuit courts for each other, in such manner as may be prescribed by law.

Which was read, and on motion of Mr. Neely, referred to the select committee, appointed on yesterday, to whom was referred Mr. Ficklin's resolutions to amend the Constitution of this State.

The following message was received from the House of Representatives, by S. S. Tucker, Esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have adopted a resolution to go into an election of a United States Senator, to fill the vacancy occasioned by the death of the Honorable Wm. S. Fulton, on Saturday next, at 11 o'clock, and the assent of the Senate is asked thereto.

The House of Representatives have concurred in the resolution of the Senate, fixing Monday next, at 12 o'clock, M., as the time for the election of judges and prosecuting attorneys of the several judicial circuits of this State.

Mr. Ficklin, moved to lay the resolution on the table. Lost.

At the suggestion of Mr. Smith, the resolution was laid on the table by common consent, until the committee appointed to wait on the Governor elect, report.

On motion of Mr. McCamy, the resolution was taken up.

Mr. McCamy, moved that the Senate concur in the resolution.

Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 13, nays 10, as follows:

Yeas—Messrs. Gainer, Hudson, Irvin, Maxwell, McCamy, Neely, Newton, Shaw, Smith, Stell, Trimble, Walker, and Mr. President, —13.

Nays—Messrs. Black, Clark, Ficklin, Gaines, Mitchell, McKean, Pelham, Reyburn, Rose and Yell—10.

So the resolution was concurred in, and the House of Representatives informed thereof.

Mr. Ficklin, asked and obtained leave of absence, for the committee appointed on the part of the Senate to wait on the Governor elect, and ascertain at what time it would suit his convenience to be installed in office.

Mr. Pelham introduced the following resolution:

Resolved, By the Senate, that this General Assembly, proceed to the election of supreme judges, on Saturday next, and that the House of Representatives be requested to concur herein.

Mr. Ficklin suggested to the gentleman, from Independence, to withdraw his resolution, and leave being granted, the resolution was withdrawn.

Mr. Gaines introduced the following resolution:

Resolved, That the select committee appointed to take into consideration the proposed amendments to the Constitution of the State of Arkansas, be requested to examine into the propriety of so amending the Constitution as to reduce the number now composing each branch of this General Assembly.

Which was read and referred to said Select Committee.

Mr. Black, moved an adjournment, which was lost.

Mr. Yell, moved an adjournment, which was carried, and the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

FRIDAY, *November 8th*, 1844.

The Senate met persuant to adjournment.

The journal of yesterday was read.

Mr. Irvin, from the select joint committee, appointed to wait upon the Governor elect, and ascertain at what time it would suit his convenience to be installed in office, made the following report:

MR. PRESIDENT—The committee appointed to act in conjunction with a committee on part of the House of Representatives, to wait upon his excellency, Thomas S. Drew, Governor elect, and inform him of his election to said office, and for the further purpose of learning of him at what period of time it would best suit his convenience to be inaugurated into that high office, have performed the duty, as such committee; and have been requested, on the part of his Excellency to say to the honorable body, that it would suit his convenience to receive the inauguration, on Saturday, the 9th instant, at the precise hour of 12 o'clock, M.

Mr. Neely introduced a bill to be entitled "an act to repeal an act, approved the 3d day of February, 1843, relating to public roads, and the overseers thereon."

Which was read a first time.

Mr. Neely moved a suspension of the rules, that the bill be read a second time by title.

The Senate refused to dispense with the rules. The bill was ordered to a second reading on to-morrow.

Mr. Walker introduced the following resolutions:

Resolved, That the committee to whom was referred the resolution proposing to amend the 15th section, article 6 of the constitution, entitled "judicial department," take into consideration, the propriety of so changing the 9th section of the same article, so as to give the qualified votes the power of electing the associate judges of the county court.

Be it further resolved, That the same committee take into consideration the propriety of so changing the second section of that part of the constitution that relates to the militia, so as to give the qualified voters the power of electing the military officers.

Which were adopted.

On motion of Mr. Trimble, Mr. McKean was added to the committee on memorials.

Mr. Trimble asked and obtained leave to introduce a bill, to be entitled "an act to postpone the November term of the Hempstead circuit court."

Which was read a first time.

On motion of Mr. Trimble, the rules were dispensed with, and the bill read a second time.

Mr. Neely moved that the rules be dispensed with, and the bill read a third time.

Mr. Smith objected; when Mr. Neely withdrew his motion, and the bill was ordered to a third reading on to-morrow.

Mr. Yell introduced the following resolution:

Resolved, That a committee of three be appointed by the Senate, to act in conjunction with such committee as may be appointed on the part of the House of Representatives, to make suitable arrangements for the inauguration of Governor on to-morrow, and that they make report of said arrangements to the General Assembly on to-morrow morning.

Which was adopted; and Messrs. Yell, Clark and Ficklin, appointed a committee on part of the Senate, and the House of Representatives informed thereof.

On motion of Mr. Walker, Mr. McCamy was added to the committee on internal improvements.

The following message was received from the House of Representatives, by S. S. Tucker, Esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have rescinded the resolution of yesterday to go into the election of United States Senator on to-morrow, at 11 o'clock, and have adopted a resolution to proceed to that election at 3 o'clock, P. M., this day; and the concurrence of the Senate is asked thereto.

On motion of Mr. Trimble, the resolution rescinding the resolution adopted on yesterday to go into the election of United States Senator, on to-morrow at 11 o'clock, was concurred in.

On motion of Mr. McCamy, the resolution to go into the election of United States Senator, to-day at 3 o'clock, P. M., was concurred in, and the House of Representatives informed thereof.

Mr. Yell moved that the Senate adjourn; but at the suggestion of Mr. Ficklin, withdrew his motion.

Mr. Pelham moved that the Senate take a recess; but afterwards withdrew his motion.

Mr. Newton introduced the following resolution:

Resolved, That on Tuesday next, at 12 o'clock, M., the two Houses of the General Assembly proceed to the election of ten members of the present General Assembly, to form a part of the board of education, in pursuance of the act approved 3d February, 1843.

Which was adopted; and the House of Representatives informed thereof.

Mr. Smith introduced the following resolutions:

Resolved, by the General Assembly of the State of Arkansas, That any law passed by Congress to distribute the proceeds of the sales of the public lands, or any part thereof, among the States of this Union, is contrary to the letter, and in violation of the spirit of the constitution of the United States.

It infringes the rights, and subverts the interest of individuals. It destroys the sovereignty of the States, bringing them into dependence on the federal government for their revenues. It takes away the responsibility of members of the State legislatures to their constituents, by enabling them to appropriate money without taxing the people to raise it.

It is an unjust law; it takes the burthen of taxation from property and wealth, and places it on industry and labor, and the necessaries of life.

And the inevitable result of such laws would be to break down and destroy our State governments, and blend them all in one general empire; the expenses of which would be raised by impost and tariff laws, falling upon the industrial and laboring classes, instead of resting on the luxury, the wealth, and the property of the country.

Resolved, That our Senators in Congress be instructed, and our Representative be requested to oppose any such law.

Resolved, That the Governor of the State of Arkansas, forward to each of our members in Congress, a copy of these resolutions.

After the reading of the resolutions, Mr. Trimble moved to lay them on the table until Wednesday next.

Which motion prevailed.

On motion of Mr. Gainer the Senate took a recess until half after two o'clock, P. M.

At half after two o'clock, the Senate convened.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate, appointing a committee to make suitable arrangements for the inauguration of the Governor on to-morrow morning.

The House have appointed Messrs. Caldwell, Bertrand, Rust, Trapnall and Marshall as such committee.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the hall of the House is in readiness to receive the Senate, for the purpose of going into the election of United States Senator, as per resolution of this morning.

In accordance with the above message the Senate repaired to the hall of the House of Representatives, and being seated, the Speaker of the House announced that nominations for United States Senator, would be in order.

Whereupon, Mr. Blackwell of the House, nominated Chester Ashley; Mr. Gaines nominated Richard C. S. Brown.

The roll being called it appeared that Chester Ashley had seventy-nine joint votes; Richard C. S. Brown had nine joint votes; Williamson S. Oldham had three joint votes; David Walker had two votes; C. F. M. Noland had two votes, and Lorenzo Gibson had one vote.

Those Senators who voted for Chester Ashley, are Messrs. Black, Ficklin, Gainer, Hudson,, Irvin, Maxwell, McCamy, McKean, Neely, Newton, Pelham, Reyburn, Rose, Stell, Trimble, Walker, Yell and Mr. President—18.

Those Senators who voted for Richard C. S. Brown, are Messrs. Clark, Gaines, Shaw and Smith—4.

The Senator who voted for Williamson S. Oldham, is Mr. Mitchell—1.

After the vote for Senator was announced the Senate returned to their chamber.

On motion of Mr. Pelham, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

Saturday, *November 9th*, 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the Senate;

The roll being called, it appeared that there were eighteen Senators present.

The journal of yesterday was read.

Mr. Yell, from the select joint committee appointed to make suitable arrangements for the inauguration of Governor, made the following report:

Mr. President—The joint select committee appointed to make suitable arrangements for the inauguration of Governor, have performed that duty; and have adopted the following, as suitable arrangements for the occasion:

INAUGURATION OF GOVERNOR.

SATURDAY, *November 9th*, 1844.

The joint committee who were appointed by the Senate and House of Representatives, to make suitable arrangements for the inauguration of Governor, have adopted the following, as the order of the procession:

The procession is to form in front of the Anthony House, at 11 o'clock, this day.

Music:
Little Rock Guards and Infantry.
The Governor and suite, and the Ex-Governor, and the committee of arrangements.
The Clergy.
The Judiciary, and the ex-Judiciary.
Officers of State and the Federal Government.
Mayor and Aldermen.
Grand Lodge Masons, and Odd Fellows.
Citizens.

The Governor and ex-Governor will meet the procession at the place designated for the formation of the procession.

Col. T. D. Merrick will act as principal marshal, and be assisted by three assistant marshals, appointed by himself.

When the procession shall reach the entrance of the State house, the military will open to the right and left, and open a passage for the procession.

The ladies are invited to attend at the State house at 12 o'clock.

The Rev. Mr. Young will open at the inauguration with prayer, and the Rev. Mr. Kern will conclude.

JAMES YELL, *Chairman*
of the Committee of Arrangements.

The undersigned, committee on part of the citizens of Little Rock, appointed to act in conjunction with the joint committee, appointed by both Houses of the General Assembly, to make suitable arrangements for the inauguration of Governor, have agreed to adopt the above as the order of procession on said occasion.

L. REARDON,
R. C. HAWKINS,
WM. E. WOODRUFF,
WM. FIELD,
L. R. LINCOLN,
CHARLES RAPLEY,
C. O. HALLER,
W. W. ADAMS,
S. H. TUCKER,
R. RAINES,
E. CUMMINS,
L. E. BARBER.

The committee have also required the doorkeepers to call on the commissioner of public buildings for seats suitable to the occasion, and to place them in the hall of the House of Representatives, and to remove the tables from the hall of the House of Representatives, in order to make room for the Governor, his suit, the committee of arrangements, the ladies and the procession.

JAMES YELL, *Chairman*
of the Committee of Arrangements.

On motion of Mr. Ficklin, the following message received from the House of Representatives on yesterday, was taken up.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have adopted a resolution refering that part of the Governor's message relating to the act of Congress donating five hundred thousand acres of land to the State of Arkansas by the general government, to a joint committee, and the Senate is asked to concur therein.

The House of Representatives have appointed Messrs. Dawdy, Clark of Carroll, Cromwell and Caldwell on the part of the House.

After the reading of the message, the resolution was, on motion of Mr. Ficklin, concurred in, and Messrs. Neely, Trimble and Pelham appointed a committee on part of the Senate.

On motion of Mr. Neely, the orders of the day were taken up.

A bill to be entitled "an act to repeal an act, approved the 3d day of February, 1843, relating to public roads, and the overseers thereon," was read a second time, and on motion of Mr. Ficklin, referred to a select committee, consisting of Messrs. Ficklin, Neely and Maxwell.

A bill to postpone the time of holding the Hempstead circuit court, was read a third time, and passed and transmitted to the House of Representatives.

On motion of Mr. Gaines, the Senate took a recess, until half after eleven o'clock, A. M.

At half past eleven o'clock, A. M., the Senate convened.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the Hall of the House of Representatives is now in readiness for the reception of the Senate, for the inauguration of the Governor elect.

In accordance with the above message, the Senate repaired to the hall of the House of Representatives.

After the inauguration, the Senate returned to their chamber.

On motion of Mr. Yell, the following was ordered to be spread upon the journal as a supplement to the report of the select joint committee of arrangements, to wit:

INAUGURAL PROCEEDINGS AT THE CAPITOL.

The Rev. Mr. Young will take his seat between the President of the Senate and Speaker of the House.

Music.
Prayer by Mr. Young.
Music.
Oath of the Governor, by Judge Lacy.
The chairmen of the committees conduct to Governor to his seat.
Artillery and Music.
Inaugural.
Music.
Prayer by Mr. Kern, taking Mr. Young's place,
Artillery.

The procession will form again, and conduct the Governor to his lodgings.

On motion of Mr. Yell, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

MONDAY, *November 11th*, 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the House: the roll being called, it appeared that there were seventeen Senators present.

The journal of Saturday was read.

Mr. Yell submitted the following report:

MR. PRESIDENT,—The select committee to whom was referred the subject of framing such rules and regulations as might be considered necessary for the government of the Senate, have had that subject under consideration, and would respectfully beg leave to submit the following rules and regulations, as the result of their deliberations.

JAMES YELL, *Chairman of the Committee.*

1. The President shall take the chair every day, at the hour to which the Senate shall have been previously adjourned, and on taking his seat, call the Senate to order; and if there be a quorum present, the President shall, or any two members may have a call of the Senators, and if there be any absent, the President, or any two members, can have the absent members sent for.

2. When a majority of the members present shall deem it necessary, they shall have power to send the Sergeant-at-arms, or any other person or persons, they may think proper, to compel the attendance of such absent member or members.

3. A majority of the members of the Senate shall constitute a quorum to do business; but a less number may meet and adjourn from day to day.

4. Each morning, so soon as there be a quorum present, the President shall cause the secretary to read the journal of the preceding day, that the same, if there are any errors, may be amended.

5. No member shall absent himself from the Senate, without leave, unless he be sick, or unable to attend.

6. Every member, when he speaks, shall address the President, standing in his place; shall avoid personalities, and when he has finished, shall sit down.

7. No member shall speak more than twice to any one question, motion, resolution or bill, without leave of the Senate, except a bill be amended, and then he may speak to the amendment.

8. When two members rise at the same time, the President shall name the person to speak; but in all cases, the member who shall first rise and address the President shall speak first.

9. When a member shall be called to order by the President, or a Senator, he shall sit down, unless permitted to explain, and every question of order, shall be decided by the President, without debate, subject to an appeal to the Senate; and the President may call for the voice of the Senate on any question of order. If there be no appeal, the decision of the chair shall be submitted to. If the decision be in favor of the member called to order, he shall be at liberty to proceed. In case any member object, he shall not proceed, without leave of the Senate.

10. If the member be called to order for words spoken in debate, the exceptionable words shall immediately be taken down in writing, that the President may be better enabled to judge whether they are exceptionable or not.

11. No member shall call for the yeas and nays, after the same has been declared a vote by the President.

12. No member in the minority of any vote declared, shall have the right to move for a reconsideration thereof; but a member who votes in the majority, may move for a reconsideration: *Provided*, said move is made that day, or the day following.

13. Any member may excuse himself from serving on a committee, if, at the time of his appointment, he shall be the member of three committees.

14. It shall be the duty of the President to preserve order, and he shall have the privilege to rise and speak to all questions of order, in preference to any other member of the Senate; and shall decide all questions of order, subject to an appeal to the Senate.

15. Every member present within the bar, when a vote upon any subject or question is taken, shall vote, unless excused by the Senate, unless he be interested, and then he shall not be permitted to vote.

16. When a motion is made and seconded, it shall be reduced to writing, if desired by the President, or any member of the Senate; if not in writing, it shall be stated to the Senate by the President, if in in writing, it shall be read aloud by the Secretary, previous to the vote being taken thereon.

17. When a motion is stated by the President, or read by the Secretary, it shall be deemed to be in possession of the Senate; but may be withdrawn at any time before a decision or amendment, by the consent of the Senate.

18. A motion to adjourn shall be always in order, (unless in Committee of the Whole.) That, and the motion to lie on the table, shall be decided without debate.

19. No motion, or proposition, on a subject different from that under consideration, shall be admitted under color of amendment.

20. When a question is before the Senate, no motion shall be received, unless it be for the previous question, to postpone, commit, amend the main question, or adjourn.

All questions shall be decided in the order they are moved, unless in the filling of blanks, the largest sum, and the longest time, shall be first put.

21. All questions shall be put in this form, to-wit; "You who are of the opinion (as the case may be) say "yea," of a contrary opinion, say no." And in doubtful cases, the President may direct, or any member present may call for a division.

22. The previous question shall be put in these words, to-wit:—"Shall the main question be now put."

It shall be admitted only upon the demand of two members; and until decided, shall preclude all amendment, and further debate on the main question.

23. Any member shall have the right to call for a division of the question; but the Senate shall have the right to determine whether the question admits of division, or not.

24. In all cases of ballot by the Senate, and in all questions when the yeas and nays are called for, the President shall vote; he being the last in voting.

25. All committees shall be nominated by the President, unless otherwise determined by the Senate; in which case they shall be selected by ballot; and if there are not a sufficient number elected on the first ballot, the Senate shall proceed to a second ballot, and proceed to ballot until there are a sufficient number selected; the number to be determined, in such case, by the Senate.

Any member shall have the right to move, that a Senator, that he believes would be an advantage to a committee, be added thereto; but the Senate shall have the right to determine, whether he be added or not.

26. No committee shall sit during the sitting of the Senate, without special leave, first had and obtained from the Senate.

27. In forming a committee of the whole, the President shall leave the chair, and appoint a chairman to preside.

28. The rules of proceeding in the Senate shall be observed in committee of the whole, as far as they may be applicable; but no members name shall be entered on the journal, who moves to amend a bill in committee of the whole, nor, shall the yeas and nays be called for, and entered upon the journal; for it is but the proceedings of a committee, and not of the Senate.

No previous question can be put in this committee, nor can this committee adjourn as others may; but if their business is unfinished they rise on a question; the senate is resumed, and the chairman reports that the committee of the whole, have according to order, had under consideration such a motion, and have made progress therein; but not having time to go through the same, have directed him to ask leave to sit again: whereupon, the question is put upon their having leave, and the time when the Senate will again resolve itself into the committee of the whole: but, if the committee have completed the business referred, a member moves that the committee arise, and that the chairman report the proceeding of the committee to the Senate; the chairman then states that the committee have completed the business referred to them, and that he is ready to make report when the Senate will think proper to receive it.

29. In all cases, the whole bill, resolution, paper or address is to be read, and then the secretary shall read it by paragraphs; pausing at the end of each, for amendments, until the whole has been read; then the question is put on the whole agreeing to it, as amended, or unamended; the bill not to be interlined or defaced, but all amendments, noting the page and line, shall be duly entered by the secretary on a separate paper, as the same may be agreed to by the committee, and so reported to the Senate: After report, the bill shall be again subject to be debated and amended by clauses, before a question to engross it be taken.

30. When a vote is once passed in this committee, it cannot be altered, but by the Senate, their votes being binding on themselves.

31. A majority of all committees constitutes a quorum to do business, and have full power over the bill or paper referred; except, they cannot change the title or subject.

32. Every bill originating in the Senate, shall be introduced by leave of the Senate, or, by order of the Senate; and every bill so introduced, shall be read on three different days; unless, two thirds of the Senate, when the same is pending, shall suspend the rules thereof; nor shall any bill pass the Senate, without having been read three several times.

33. The first reading of the bill shall be for information, and, if objections shall be made to it, the question shall be, "*shall the bill be rejected.*" If no objections, and the question to reject be lost, the bill shall go to its second reading without a question.

34. Upon the second reading of a bill, the President shall state that it is ready for commitment, or engrossing, and if committed, then the question shall be, whether to a select committee, a standing committee, or to a committee or the whole: if to a committee of the whole, then the Senate shall determine on what day; but if the bill be ordered to be engrossed, the Senate shall appoint the day upon which it shall be read a third time.

35. A bill, after commitment, or report thereof, may be committed at any time before its passage.

36. If an amendment be proposed, inconsistent with one already agreed to, it is a fit ground for its rejection by the Senate.

37. Every order, resolution or vote, to which the concurrence of the House of Representatives shall be necessary, shall be read to the

Senate, and laid on the table on a day preceding that in which the same shall be moved, unless the Senate shall otherwise expressly allow.

38. No standing rule of the Senate shall be revised, or amended, without one day's notice being given of the motion thereof; and then not without the concurrence of two thirds of the Senate.

39. Whenever any officer, civil, or military, shall be appointed by the joint, or concurrent vote of both Houses, or by the separate vote of the Senate, the vote shall be taken *viva voce*, and entered upon the journal.

40. Whilst the President is putting any question, or addressing the Senate, no Senator shall walk across the Senate; nor, whilst a member is speaking, pass between him and the President.

41. The person first named on each committee, shall be the chairman of that committee, until otherwise determined by the committee, and the secretary shall deliver all papers, referred to that committee, to him.

42. All proceedings of the Senate, when not acting in committee of the whole, shall be entered on the journal, as concisely as possible; care being taken to detail a true and accurate account of the proceedings; but every vote of the Senate shall be entered on the journal, and a brief statement of the contents of each petition, memorial or paper presented to the Senate, shall also be inserted on the journal.

43. The President of the Senate, shall, at the commencement of each session, appoint the following committees; to consist of such number, as he, or the Senate may deem necessary on each committee, with leave to report by bill, or otherwise, to-wit:

On the Judiciary.
On Auditor and Treasurer's books.
On Public Buildings.
On the Militia.
On Banks.
On Education.
On Internal Improvements.
On Ways and Means.
On Counties and County Lines.
On Agriculture.
On Apportionment (every four years.)
On Public Roads.
On Enrolled bills.
On Elections.
On the Penetentiary.

44. The business of the day:
1st. The members are called.
2d. The journal is read.
3d. Petitions from counties, "will be in order."
4th Memorials "will be in order."
5th. Motions, and resolutions, "will be in order."
6th. Reports from standing committees.

7th. Reports from select committees.

8th. The introduction of bills, for which notice has been previously given.

9th. Bills from the House of Representatives, and those introduced on leave, which have been read a first time, and read a second time.

10th. Engrossed bills, and the third reading are put upon their passage.

45. On a motion to strike out and insert, it shall not be in order to move for a division of the question; but the rejection of a motion to strike out and insert one proposition, shall not prevent a motion to strike out and insert a different proposition, nor prevent a subsequent motion simply to strike out; nor, shall the rejection of a motion simply to strike out, prevent a subsequent motion to strike out and insert.

46. It shall always be in order for the committee on enrolled bills to report.

47. Messages may always be introduced, except, while a question is being put, or while the yeas and nays are taking.

And the joint select commitee to whom was referred the subject of framing such joint rules and regulations, as might be considered necessary for the government of the business of the two Houses of this General Assembly, have had that subject under consideration, and would respectfully beg leave to submit the joint rules and regulations of the last General Assembly, as the result of their deliberations.

JAMES YELL, *Chairman*
of the Joint Select Committee.

Which reports were read and adopted.

Mr. Yell submitted the following report:

Mr. President,—The select committee to whom was referred the two resolutions on the subject of public printing, have had the same under consideration, and have instructed me to report the same back to the Senate without amendment, which I beg leave to submit.

JAMES YELL, *Chairman*
of the Committee.

After the reading of the report, and the question being on its adoption by the Senate, Mr. Trimble called for the yeas and nays, which being ordered, were yeas 15, nays 5, as follows, to-wit:

Yeas—Messrs. Black, Ficklin, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Reyburn, Rose, Shaw, Smith, Walker, Yell and Mr. President—15.

Nays—Messrs. Clark, Gainer, Hudson, Stell and Trimble—5.

So the report was adopted, and the House of Representatives informed thereof.

Mr. Irvin introduced the following resolutions:

Resolved, That the resolution of the two Houses of the General Assembly, which was adopted at a previous day of this session, to go into the election of judges and prosecuting attorneys of the several judicial circuits of this State be, and the same is hereby rescinded.

Be it resolved, That the two Houses of this General Assembly, go into the election of circuit judges and prosecuting attorneys for the several judicial circuits of this State, on Tuesday next, at 11 o'clock, and that the House of Representatives be requested to concur herein.

Mr. Smith moved to amend the last resolution by inserting "*judges of the supreme court,*" before "circuit judges" in the 2d line, which amendment was adopted.

Mr. Neely moved to lay the resolutions on the table indefinitely,

Which motion was lost.

Mr. Neely called for the yeas and nays on the adoption of the resolutions as amended; which being ordered, were yeas 11, nays 10, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Irvin, Maxwell, McCamy, Pelham, Reyburn, Rose, Smith, and Walker—11.

Nays—Messrs. Clark, Hudson, Mitchell, McKean, Neely, Newton, Shaw, Stell, Trimble and Mr. President—10.

So the resolutions as amended, were adopted, and the House of Representatives informed thereof.

Mr. Trimble moved to have one hundred copies of the rules and joint rules, with the index—reported to the Senate this morning, by Mr. Yell, chairman of the select committees, appointed to report rules, joint rules and regulations for the government of the Senate, and the intercourse between the two Houses, printed.

Mr. Ficklin suggested fifty copies; which suggestion was accepted by Mr. Trimble, and the motion to print fifty copies prevailed.

Mr. Walker introduced the following resolution:

Resolved, That the secretary procure the printing of 500 copies of the Governor's inaugural address, for the use of the Senate,

Which was adopted.

Mr. Irvin, introduced the following resolution:

Resolved, That the committee on the judiciary be requested, to inquire into, and report to the Senate, before the hour of election, on to-morrow, whether there is a vacancy for circuit judge in the first judicial circuit, or not,

Which was adopted.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate to elect on Tuesday next, at 12 M., a board of education, in pursuance of the act, approved, 3d February, 1843.

The House of Representatives have also concurred in the resolution rescinding the joint resolution, adopted by the two Houses, on a previous day of the present session, to go into the election of judges and prosecuting attorneys of the several judicial circuits of this State, on to-day, at 11 o'clock, A. M., and fixing Tuesday next, at 11 o'clock, A. M., to go into the election of supreme and circuit judges, and prosecuting attorneys.

The House have also, assented to the bill of the Senate, entitled "an act to postpone the time of holding the November term of the Hempstead circuit court.

On motion of Mr. McCamy, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

TUESDAY, *November 12th*, 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the Senate, and the roll being called, it appeared that there were sixteen Senators present.

The Journal of yesterday was read.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

"MR. PRESIDENT—The committee on enrolments have examined an act to be entitled 'An act to postpone the November term of the Hempstead Circuit Court,' and find the same correctly enrolled.

MITCHELL, *Chairman.*"

Mr. Trimble, from the committee on the judiciary, made the following report:

REPORT.

"MR. PRESIDENT—The committee on the judiciary, to whom was referred the subject, to enquire into and make report this morning, whether, or not, there is a vacancy for judge in the first judicial circuit, have had that subject under consideration, and would respectfully beg leave to submit the following, as the result of their very hasty deliberations:

The committee find, upon enquiry, that at the session of the General Assembly, A. D. 1840, the Honorable William K. Sebastian was elected judge of the first judicial circuit, and that previous to the session of the Legislature of 1842, he resigned that office, and Judge Tollison was appointed and commissioned, until the meeting of the Legislature of 1842, to fill that vacancy for that space of time. The Legislature of 1842 being advised of this state of facts, proceeded, and did elect John T. Jones judge of the first judicial circuit, for the time prescribed by law.

The question, then, that is presented for consideration, is, what is the time prescribed by the constitution, for which Jones, under the circumstances, was elected? Upon this subject the constitution is sufficiently explicit. Under the head of 'Judicial Department' the constitution is in these words, to wit: 'The circuit judges shall be at least twenty-five years of age, and shall be elected for the term of four years.'

The constitution, under the head of 'Executive Department,' section fifteen, is in these words: 'Vacancies that may happen in offices, the election to which, is vested in the General Assembly, shall be filled by the Governor, during the recess of the General Assembly, by granting commissions, which shall expire at the end of the next session.' This clause of the constitution shows that when a vacancy takes place, it is only a vacancy until the end of the next Legislature, and that vacancy during that time is filled by the Governor, by granting a commission, which expires at the end of the next General Assembly.

The Legislature then proceeds to fill said office by election, for the time prescribed by law—and that time is specified in the constitution to be for the period of four years. A judge, when he is elected, is elected for four years, but he may resign that office, or he may die; in either of which events, there is a vacancy, which shall be filled as aforosaid, until the end of the next Legislature.

And, upon a strict examination, it will be found that the constitution authorizes an election for circuit judge for the period of four years only; and that the Legislature cannot elect either for a longer or a shorter period.

Then, if the last Legislature had a right to elect a judge, at that session of the Legislature (and this no one will certainly doubt,) they had the right to elect him for four years. Judge Jones was elected judge of the first judicial circuit for the period of four years, but two years of that period have expired, therefore, there is no vacancy in the first judicial circuit.

The committee have referred to the case decided in Mississippi, *Smith vs. Halpacre, page* 598, but think that case is not applicable to the present. In that State, the judges are elected by the people, and a judge in that case was elected not at a regular time of holding such elections. Now, if Judge Jones had been elected at a call session of the Legislature, then the case in the State of Mississippi would have been applicable to the present; and the committee are of opinion that if Jones had been elected at a call session of the Legislature, that his election would have been a nullity, and in such case, there would now be a vacancy in the first judicial circuit; but being elected at regular session of the Legislature, the case is different.

This report, as the Senate well know, has been drawn up in great haste, and has only been considered by two of the judiciary committee, for the short period of one night; it cannot, therefore, be entitled to the weight that a report upon a subject of so much importance should be entitled. But, from our hasty deliberations, we are of opinion that the last session of the Legislature had the right, and exercised that right by electing John T. Jones judge of the first judicial circuit, during the time prescribed by the constitution; and but two years of that period only having yet expired, we think that there is no vacancy in the first judicial circuit.

All of which is respectfully submitted.

WM. TRIMBLE, and
JAMES YELL,
two of the committee."

The report being read, Mr. Ficklin moved to lay it on the table for the present.

Which motion was lost.

The report was then adopted.

Mr. Trimble asked, and obtained leave, to introduce a bill to be entitled "An act to require the judges of the circuit courts to interchange circuits, and hold courts for each other."

Which was read a first time.

On motion of Mr. Trimble, the rules were dispensed with, and the bill read a second time by title.

And, on the further motion of Mr. Trimble, the bill was referred to a select committee of one from each judicial circuit of this State; consisting of Messrs. Trimble, Gaines, McCamy, Ficklin, Neely, Newton, and Clark—7.

Mr. Rose asked and obtained leave to introduce a bill to be entitled "An act to change the time of stay on execution, and for other purposes."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. President laid before the Senate a report from the executive and financial receivers of the State Bank of the State of Arkansas; accompanied by statement (marked A.) of all moneys placed in their hands, and collected by them, since the act of liquidation. Also, statement (marked B.) showing the amount of bank notes, now in actual circulation, from the issues of the principal bank and branches of the State Bank. Also, a statement (marked C.) showing balances on receiver's ledger; giving a condensed view of their operations while in office, and of the cash and other assets now on hand.

Which report was read.

And on motion of Mr. Trimble, was, with the statements marked "A.," "B.," and "C.," referred to the committee on banks.

Mr. McKean introduced the following resolution:

"*Resolved*, That the committee on memorials be instructed to report a memorial to the Congress of the United States, requesting that a mail route be established, to commence at the Antoine post office in the county of Clark, thence by Pike court-house and Fort Towson, to Fort Ouachita."

Which was adopted.

On motion of Mr. Gainer, the Senate took a recess until 11 o'clock, A. M.

At 11 o'clock, A. M., the Senate convened.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

"Mr. President—I am instructed to inform your honorable body, that the House of Representatives is now in readiness to receive the Senate, for the purpose of going into the election of judges of the supreme court, circuit judges, prosecuting attorneys, public printer, &c."

In accordance with the above message, the Senate having repaired to the hall of the House of Representatives, and being seated,

The Speaker announced that nominations for associate justice of the supreme court, to fill the vacancy occasioned by the resignation of George W. Paschal, Esq., were in order.

Whereupon, Mr. Smith of the Senate nominated Williamson S. Oldham; no other nominations being made, the roll was called, when it appeared that Williamson S. Oldham had ninety joint votes, and William K. Sebastian had six votes.

Those Senators who voted for Williamson S. Oldham, are Messrs. Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irwin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell, and Mr. President —23.

Williamson S. Oldham having received a majority of all the votes given, was declared to be duly elected associate justice of the supreme court, for and during the period prescribed by law.

The Speaker announced that nominations for chief justice of the supreme court, were in order.

Whereupon, Mr. Caldwell of the House nominated Daniel Ringo; Mr. Ficklin nominated Thomas Johnston; Mr. Yell nominated Sam C. Roane; and Mr. Irvin nominated William K. Sebastian.

No other nomination being made, the roll was called; when it appeared that Daniel Ringo had thirty-six joint votes; Thomas Johnston had thirty-seven joint votes; Sam C. Roane had seven joint votes; and William K. Sebastian had sixteen joint votes.

Those Senators who voted for Daniel Ringo, are Messrs. Clark, Gaines, Hudson, Mitchell, McKean, Newton, Trimble, and Mr. President—8.

Those Senators who voted for Thomas Johnston, are Messrs. Black, Ficklin, Gainer, Maxwell, Reyburn, Shaw, Stell, and Walker—8.

Those Senators who voted for Sam. C. Roane, are Messrs. McCamy, Smith, and Yell—3.

Those Senators who voted for William K. Sebastian, are Messrs. Irvin, Neely, Pelham, and Rose—3.

None of the gentlemen having received a majority of all the votes given, the Speaker declared that there was no choice made.

M. Gainer of the House withdrew the name of William K. Sebastian.

The roll being again called, it appeared that Daniel Ringo had thirty-nine joint votes, Thomas Johnston had fifty-one joint votes, and Sam. C. Roane had four votes.

Those Senetors who voted for Daniel Ringo, are Messrs. Clark, Gaines, Hudson, Irvin, McKean, Neely, Newton, Trimble, Yell, and Mr. President—10.

Those Senators who voted for Thomas Johnston, are Messrs. Black, Ficklin, Gainer, Maxwell, McCamy, Mitchell, Pelham, Reyburn, Rose, Shaw, Smith, Stell, and Walker—13.

Whereupon the Speaker announced that Thomas Johnston, having received a majority of all the votes given, was duly elected chief justice of the supreme court, for and during the period prescribed by law.

The Speaker announced that nominations were in order for judge of the second judicial circuit.

Whereupon, Mr. Yell nominated William H. Sutton, and Mr. Rust of the House nominated Isaac Baker.

No other nominations being made, the roll was called, when it appeared that William H. Sutton had fifty joint votes, and Isaac Baker had forty-seven joint votes.

Those Senators who votes for William H. Sutton, are Messrs. Irwin, McCamy, Neely, Pelham, Rose, Shaw, Smith, Walker and Yell—9.

Those Senators who voted for Isaac Baker, are Messrs. Black, Clark, Ficklin, Gainer, Gaines, Hudson, Maxwell, Mitchell, McKean, New-Reyburn, Stell, Trimble, and Mr. President—14.

Whereupon, the Speaker announced that William H. Sutton, having received a majority of all the votes given, was duly elected judge of the second judicial circuit, for and during the period prescribed by law.

The Speaker announced that nominations were in order judge of the third judicial circuit.

Whereupon, Mr. Marshall of the House nominated William Conway B., and Mr. Myers of the House nominated William C. Scott.

No other nomination being made, the roll was called, when it appeared that William Conway B. had seventy-five joint votes, and William C. Scott had twenty-two joint votes.

Those Senators who voted for William Conway B., are Messrs. Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irwin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Trimble, Walker, Yell, and Mr. President—14.

Those Senators who voted for William C. Scott, are Messrs. Newton, Rose, Shaw, Smith, and Stell—5.

Whereupon, the Speaker announced that William Conway B., having received a majority of all the votes given, was duly elected judge of the third judicial circuit, for and during the period prescribed by law.

The Speaker announced that nominations were in order for judge of the fourth judicial circuit.

Whereupon, Mr. McCamy nominated Seaborn G. Sneed, and Mr. Birney of the House nominated Alfred M. Wilson.

No other nominations being made, the roll was called, when it appeared that Seaborn G. Sneed had fifty-four joint votes, and Alfred M. Wilson had forty-two joint votes; and Absalom Fowler had one vote.

Those Senators who voted for Seaborn G. Sneed, are Messrs.

Gaines, Irvin, McCamy, McKean, Neely, Rose, Smith, Trimble, Walker, Yell, and Mr. President—11.

Those Senators who voted for Alfred M. Wilson, are Messrs. Black, Clark, Ficklin, Hudson, Maxwell, Mitchell, Newton, Pelham, Reyburn, Shaw, and Stell—11.

The Senator who voted for Absalom Fowler, is Mr. Gainer,

Whereupon, the Speaker announced that Seaborn G. Sneed, having received a majority of all the votes given, was duly and constitutionally elected judge of the fourth judicial circuit, for and during the period prescribed by law.

The Speaker announced that nominations were in order for judge of the fifth judicial circuit.

Whereupon Mr. Caldwell of the House nominated John J. Clendenin.

No other nomination being made, the roll was called, when it appeared that John J. Clendenin had 97 joint votes.

Those Senators who voted for John J. Clendenin, are Messrs. Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rose, Shaw, Smith, Stell, Walker, Yell, and Mr. President—23.

Whereupon, the Speaker announced that John J. Clendenin, having received the unanimous vote of both Houses, was declared duly and constitutionally elected judge of the fifth judicial circuit, for and during the period prescribed by law.

The Speaker announced that nominations were in order for judge of the sixth judicial circuit.

Whereupon, Mr. Floyd of the House nominated John O. Hightower, and Mr. Bankhead nominated George Conway.

No other nomination being made, the roll was called, when it appeared that John O. Hightower had 30 joint votes, and George Conway had 66 joint votes.

Those Senators who voted for John O. Hightower, are Messrs. Gainer, Newton, and Rose—3.

Those Senators who voted for George Conway, are Messrs. Black, Clark, Ficklin, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Shaw, Smith, Stell, Trimble, Walker, Yell, and Mr. President—20.

The Speaker, thereupon, proclaimed that George Conway, having received a majority of all the votes given, was duly and constitutionally elected judge of the sixth judicial circuit, for and during the period prescribed by law.

The Speaker announced that nominations were in order for prosecuting attorney for the first judicial circuit.

Whereupon, Mr. Croft of the House nominated N. M. Foster, and Mr. Blackwell of the House nominated William N. Stanton.

No other nominations being made, the roll was called, when it appeared that N. M. Foster had 49 joint votes, and William N. Stanton had 46 joint votes.

Those Senators who voted for N. M. Foster, are Messrs. Clark, Ficklin, Irvin, Maxwell, Mitchell, McKean, and Pelham—7.

Those Senators who voted for William N. Stanton, are Messrs. Black, Gainer, Gaines, Hudson, McCamy, Neely, Newton, Reyburn, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell, and Mr. President—16.

Whereupon, the Speaker proclaimed that N. M. Foster, having received a majority of all the votes given, was duly and constitutionally elected prosecuting attorney for the first judicial circuit, for and during the period prescribed by law.

The Speaker announced that nominations were in order for prosecuting attorney for the second judicial circuit.

Whereupon, Mr. Yell nominated Joseph W. Bocage.

No other nomination being made, the roll was called, when it appeared that Joseph W. Bocage had received 95 joint votes.

Those Senators who voted for Joseph W. Bocage, are Messrs. Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell, and Mr. President—23.

Whereupon, the Speaker proclaimed that Joseph W. Bocage, having received the unanimous vote of both Houses, was duly and constitutionally elected prosecuting attorney of the second judicial circuit, for and during the period prescribed by law.

The Speaker announced that nominations for prosecuting attorney of the third judicial circuit, were in order.

Whereupon, Mr. Pelham nominated Andrew R. Porter.

No other nomination being made, the roll was called, when it appeared that Andrew R. Porter had eighty-seven joint votes; John S. Ficklin had five joint votes, and William Black had one vote.

Those Senators who voted for Andrew R. Porter, are Messrs. Black, Clark, Gainer, Gaines, Hudson, Irvin, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rose, Shaw, Smith, Stell, Walker, Yell, and Mr. President—20.

The Senator who voted for John S. Ficklin, is Mr. Trimble.

The Senator who voted for Mr. Black, is Mr. Ficklin.

Whereupon, the Speaker proclaimed that Andrew R. Porter, having received a majority of all the votes given, was duly and constitutionally elected prosecuting attorney for the third judicial circuit, for and during the period prescribed by law.

The Speaker announced that nominations for prosecuting attorney for the fourth judicial circuit, were in order.

Whereupon, Mr. Wilson, of Washington, of the House, nominated Isaac Murphey; and Mr. Clark, of Carroll, of the House, nominated A. B. Greenwood.

No other nomination being made, the roll was called, when it appeared that Isaac Murphey had thirty-two joint votes, and A. B. Greenwood had sixty-two joint votes.

Those Senators who voted for Isaac Murphey, are Messrs. Black, Gaines, McCamy, Mitchell, McKean, Neely, Shaw, Smith, and Mr. President—9.

Those Senators who voted for A. B. Greenwood, are Messrs. Clark, Ficklin, Gainer, Hudson, Irvin, Newton, Pelham, Reyburn, Rose, Stell, Trimble, Walker, and Yell—13.

Whereupon the Speaker proclaimed that A. B. Greenwood, having received a majority of all the votes given, was duly and constitutionally elected prosecuting attorney for the fourth judicial circuit, for and during the period prescribed by law.

The Speaker announced that nominations for prosecuting attorney for the fifth judicial circuit, were in order.

Whereupon, Mr. Caldwell of the House nominated George C. Watkins.

No other nomination being made, the roll was called, when it appeared that George C. Watkins had ninety-one joint votes.

Those Senators who voted for George C. Watkins, are Messrs. Black, Clark, Ficklin, Gainer, Gaines, Hudson, Ivrin, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell, and Mr. President—22.

Whereupon, the Speaker proclaimed that George C. Watkins, having received the unanimous vote of both Houses, was duly and constitutionally elected prosecuting attorney for the fifth judicial circuit, for and during the period prescribed by law.

The Speaker announced that nominations for prosecuting attorney for the sixth judicial circuit, were in order.

Whereupon, Mr. Berry of the House nominated Allen W. Blevins.

No other nomination being made, the roll was called, when it appeared that Allen W. Blevins had ninety joint votes, William Trimble had one vote, and John S. Ficklin had one vote.

Those Senators who voted for Allen W. Blevins, are Messrs. Black, Clark, Gainer, Gaines, Hudson, Irvin, McCamy, Mitchell, McKean, Neely, Newton, Reyburn, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell, and Mr. President—20.

The Senator who voted for William Trimble, is Mr. Ficklin.

The Senator who voted for John S. Ficklin, is Mr. Pelham.

Whereupon, the Speaker proclaimed that Allen W. Blevins, having received a majority of all the votes given, was duly and constitutionally elected prosecuting attorney for the sixth judicial circuit, for and during the period prescribed by law.

The Speaker announced that nominations for prosecuting attorney for the seventh judicial circuit, were in order.

Whereupon, Mr. Brown, of Johnson, of the House, nominated John M. Wilson; Mr. Berry of the House nominated Jonas M. Tebbetts; and Mr. Myers of the House nominated William Walker.

No other nominations being made, the roll was called, when it appeared that John M. Wilson had eighteen joint votes, Jonas M. Tebbetts had forty-six joint votes, and William Walker had twenty-nine joint votes.

Those Senators who voted for John M. Wilson, are Messrs. Hudson, Irvin, Rose, Stell, and Mr. President—5.

Those Senators who voted for Jonas M. Tebbetts, are Messrs. Black, Clark, Ficklin, Gainer, Gaines, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Shaw, Smith, Trimble, Walker, and Yell—16.

The Senator who voted for William Walker, is Mr. Newton.

None of the gentlemen having received a majority of all the votes given, the Speaker declared that there was no choice made.

The roll being again called, it appeared that John M. Wilson had ten joint votes, Jonas M. Tebbetts had fifty joint votes, and William Walker had thirty-three joint votes.

The Senator who voted for John M. Wilson, is Mr. Rose.

Those Senators who voted for Jonas M. Tebbetts, are Messrs. Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Reyburn, Shaw, Smith, Stell, Trimble, Walker, Yell, and Mr. President—20.

The Senator who voted for William Walker, is Mr. Newton.

Whereupon the Speaker proclaimed that Jonas M. Tebbetts, having received a majority of all the votes given, was duly and constitutionally elected prosecuting attorney for the seventh judicial circuit, for and during the period prescribed by law.

The Speaker announced that nominations for public printer, were in order.

Whereupon, Mr. Berry of the House nominated Solon Borland & Co.

No other nomination being made, the roll was called, when it appeared that Solon Borland & Co. had eighty-two joint votes, William H. Etter had two votes, John W. Locke had one vote, and Cyrus W. Weller had one vote.

Those Senators who voted for Solon Borland & Co., are Messrs. Black, Ficklin, Gainer, Gaines, Hudson, Irwin, Maxwell, McCamy, Mitchell, McKean, Neely, Reyburn, Rose, Shaw, Smith, Stell, Walker, Yell, and Mr. President—19.

Those Senators who voted for William H. Etter, are Messrs. Clark and Newton—2.

Whereupon, the Speaker proclaimed that Solon Borland & Co., having received a majority of all the votes given, was duly elected public printer to this General Assembly.

The Senate returned to their chamber.

On motion of Mr. Ficklin, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

WEDNESDAY, *November 13th*, 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the Senate.

The roll being called, it appeared that there were nineteen Senators present.

The journal of yesterday was read.

Mr. Gaines asked and obtained leave to introduce a bill to be entitled "an act to amend the laws for taking up estrays."

Which was read a first time and ordered to a second reading on to-morrow.

"An act to change the time of stay on execution, and for other purposes," was read a second time; and,

On motion of Mr. Walker, referred to a select committee, consisting of Messrs. Walker, Rose and Irvin.

The resolutions introduced by Mr. Smith on Friday last, instructing our Senators and requesting our Representative in Congress to oppose any law distributing the proceeds of the sales of the public lands among the States were taken up, and read a second time; and on motion of Mr. Trimble, laid over for a third reading on to-morrow.

Mr. Clark introduced the following resolution:

Resolved, by the Senate and House of Representatives of the State of Arkansas, That our Senators in the Congress of the United States be instructed, and our Representative be requested, to procure, if practicable, a change in the mail route from Columbia, in Arkansas, to Monroe, Louisiana, so that the said mail route shall commence at Bartholomew post office, instead of Columbia.

Which was adopted, and the House of Representatives informed thereof.

Mr. McCamy introduced the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the propriety of adopting some form for justices of the peace, for taking bonds or recognizances for the appearance of offenders against the State.

Which was read, and on motion of Mr. Ficklin, referred to a select committee, consisting of Messrs. McCamy, Smith and Newton.

Mr. Gaines introduced the following resolution:

Resolved, That a select committee of three in the Senate, and five in the House of Representatives, be appointed to examine into the acts of the late bank visitor, and also, the acts of the financial and executive receivers of the State bank and branches; and see whether they have faithfully performed all the duties imposed upon them by the act placing the bank in liquidation; and to take into further consideration the propriety of abolishing the offices of bank visitor, and executive receivers, and report by bill, or otherwise.

Which was read, and laid on the table for one day.

Mr. McKean introduced the following resolution:

Resolved, That the committee on memorials be instructed to report a memorial to the Congress of the United States, requesting that the donation of seventy-two sections of land donated to the State of Arkansas for a seminary of learning, be so altered as to give the General Assembly the power to dispose of the same for the use of common schools.

Which was read, and adopted.

Mr. McCamy, from the select committee to whom was referred a resolution instructing the judiciary committee, to inquire into the propriety of adopting some form for justices of the peace for taking bond or recognizance for the appearance of offenders against the State, reported the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the propriety of adopting some form for justices of the peace, for taking bonds or recognizance for the appearance of offenders against the State; and to inquire into the propriety of the informer or prosecutor before the justice of the peace, where the grand jury does not find a true bill, to be bound for all costs incurred in said case before the justice of the peace.

Which report was adopted.

Mr. Maxwell introduced the following resolution:

Resolved, That the committee on ways and means be instructed to inquire into the propriety of so changing the law in relation to the collection of the public revenue as to require of the sheriffs and other collecting officers of the State and county revenue, to pay into the State and county treasury, in kind, such funds as they shall collect; and that said committee report by bill, or otherwise.

Which was read and adopted.

Mr. Mitchell, from the committee on enrollments, made the following report:

The committee on enrollments have this day handed to the Governor "an act to postpone the November term of the Hempstead circuit court." MITCHELL, *Chairman*.

On motion of Mr. Ficklin, the Senate adjourned.

THURSDAY, *November* 14*th*, 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the Senate.

The roll being called, it appeared that there were sixteen Senators in their seats.

The journal of yesterday was read.

Mr. Walker introduced a petition, signed by sixty-three citizens of Benton county, praying that each 16th section of land, donated to the State by Congress for the use of common schools, be leased out for a term of years, not under three nor over five.

Also, an amendment to the estray law of this State, so that any person taking up any horses, mules, jacks, jennies or oxen, shall be bound to advertise them in some newspaper in this State, within thirty days after the taking up of such estray or estrays, and to be bound in a bond for double the amount of the appraised value of such estray or estrays, to keep in possession said estray or estrays, for the term of eighteen months; and if not proven away in that time by the owner, to belong to the taker up;

Also, that all offices to be filled in this State, may come before the people;

Also, that the navigation of White river may be opened as far as the three forks;

Also, that the road law may be amended;

Also, that every justice of the peace be held responsible for his deeds while in office: to be fineable for misdemeanors, and if found swindling, to ferfeit his commission;

Also, that the citizens in the south-east corner of Madison county, be attached to Benton county.

Which was read, and referred to a select committee of three, consisting of Messrs. Walker, Pelham and Clark.

Mr. Gaines, from the committee on ways and means, made the following report:

Mr. President—The committee of ways and means have had under consideration the resolution of Mr. Maxwell relating to the revenue of this State; and have instructed me to report the accompanying bill, entitled "an act defining the mode of collecting the revenue of this State." All of which is respectfully submitted.

J. F. GAINES, *Chairman.*

Which was adopted, and the bill read a first time, and ordered to a second reading on to-morrow.

A message was received from the Governor, by L. J. Reardon, esq., his private secretary, informing the Senate that he had approved "an act to postpone the November term of the Hempstead circuit court."

A bill to be entitled "an act to amend the laws for taking up estrays," was on motion of Mr. Gaines, read a second time; and,

On motion of Mr. Yell, referred to the committee of the whole, and made the order of the day for to-morrow.

Mr. Trimble made the following report:

Mr. President—The select committee to whom was referred the bill to be entitled "an act to require the judges of the circuit courts to interchange circuits, and hold courts for each other," have had the same under consideration, and ask leave to report the following bill, as a substitute for the original bill.

WM. TRIMBLE, *Chairman*
select committee.

Which report with the bill, were read.

Mr. Yell moved to reject the report; but at the suggestion of Mr. Walker, withdrew his motion to reject, and moved to refer the report and bill to a select committee.

Which was lost.

On motion of Mr. Trimble, the report and bill were referred to the committee of the whole, and made the order of the day for to-morrow.

On motion of Mr. Ficklin, the Senate proceeded to class the Senators elect from the 4th, 5th, 11th and 21st senatorial districts, which were by the last legislature declared new districts.

After the drawing, it was declared that Mr. Shaw, Senator elect from the fourth senatorial district, and Mr. Maxwell, from the eleventh senatorial district, be classed with those Senators whose time expire in the year 1846; and that Mr. Gainer from the fifth senatorial district, and Mr. Williamson, from the twenty-first senatorial district, be classed with those Senators whose time expire in the year 1848.

On motion of Mr. Walker, Mr. Gainer was added to the committee on internal improvements.

On motion of Mr. Neely, Mr. Gaines was added to the committee on education.

On motion of Mr. Ficklin, the orders of the day were taken up.

The resolutions offered by Mr. Smith, on Friday last, instructing our Senators, and requesting our Representative in Congress, to oppose any law to distribute the proceeds of the sales of the public lands among the States, were read a third time, and the question being "shall the resolutions be adopted."

Upon this question, Mr. Newton called for the yeas and nays which were ordered, and were yeas 17, nays 3, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, Irvin, McCamy, Mitchell, McKean, Neely, Rose, Shaw, Smith, Stell, Walker, Yell and Mr. President—17.

Nays—Messrs. Clark, Newton and Trimble—3.

So the resolutions were adopted and transmitted to the House of Representatives.

The following message accompanied by a petition from sundry citizens of Pulaski county, was received from the House of Representatives by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that a petition from sundry citizens of Pulaski county praying a change of labor at the penitentiary, so as not to conflict with the mechanical industry of the State, has been presented and referred to a joint select committee of five, and the concurrence of the Senate is asked.

Committee on part of the House, are Messrs. Fowler, Caldwell, Dawdy, Owens and Sutton.

After the reading of the message and petition, the resolution of the House, referring the petition to a joint select committee, was, on motion of Mr. Neely, concurred in, and Messrs. Newton, Smith and McCamy, appointed a committee on part of the Senate.

On motion of Mr. Smith, the following message received from the House of Representatives, by S. S. Tucker, esq., clerk, was taken up.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have adopted the enclosed resolution, which is herewith presented with the petition of the Hon. A. H. Sevier, upon which the said resolution was raised, for the consideration of the Senate, and the concurrence of your honorable body is respectfully asked.

The committee on the part of the House, are Messrs. Rust, Greenwood, Owens, Sutton, Marshall, Lambert, Floyd, Collins.

Which message with the accompanying resolutions, and petition of the Hon. A. H. Sevier, being read, Mr. Ficklin, on the adoption of the resolutions, called for the yeas and nays; which being ordered, were yeas 18, nays 2, as follows:

Yeas—Messrs. Black, Clark, Ficklin, Hudson, Irvin, McCamy. Mitchell, McKean, Neely, Newton, Pelham, Rose, Smith, Stell, Trimble, Walker, Yell and Mr. President—18.

Nays—Messrs. Gainer and Shaw—2.

Mr. Gaines asked to be, and was excused by the Senate, from voting.

So the resolutions were adopted.

On motion of Mr. Walker, the Senate proceeded by ballot to elect a committee appointed by the House of Representatives, the secretary acting as teller.

The first balloting resulted in the election of Mr. Smith only.

Whereupon, the second balloting was gone into, which resulted in the election of Messrs. Yell and McCamy.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate making the committee on the bank receivers communication a joint committee, and have appointed Messrs. Bertrand, Rust, Culver, Bankhead and Hightower, committee on the part of the House.

On motion of Mr. Ficklin, the Senate adjourned.

JOHN WILLIAMSON, *President*
of the Senate.

Friday, *November* 15*th*, 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the Senate;

The roll being called, it appeared that there were seventeen Senators present in their seats.

The journal of yesterday was read.

Mr. McCamy, introduced the following resolution:

Resolved, That the judiciary committee be instructed to inquire into the expediency of passing a law to pay sheriffs for taking convicts to the penetentiary, with leave to report by bill, or otherwise, which was read, and adopted on motion of Mr. McCamy.

Mr. Gainer, introduced the following preamble and resolution:

Whereas, the Congress of the United States donated to the State of Arkansas, 5 per cent. of the nett proceeds of the sales of all the lands, sold in the bounds of the said State, for making public roads and canals, under the direction of the Ceneral Assembly thereof.

Be it resolved, That a committee of three be appointed for the purpose of ascertaining what amount of money is due from the different land offices of this State, each successive year, to the present time, and what disposition has been made of the same, from time to time, and how much of said fund there is on hand at this time, and that they report their deliberations as early as practicable.

Which were adopted, and referred to a select committee of three, consisting of Messrs. Gainer, Walker and McCamy.

On motion or Mr. McCamy, the orders of the day were taken up.

On motion of Mr. Trimble, the Senate resolved itself into committee of the whole on the bill to be entitled "an act to require the judges to interchange circuits, and hold courts for each other.

Mr. Gainer, in the chair.

The chairman of the committee of the whole, reported the bill back to the Senate without amendment, and being read a third time, and the question being on its final passage, it was on motion of Mr. Mitchell, referred to the committee on the judiciary.

Mr. Clark, introduced the following resolution.

Resolved, by the Senate, That we proceed to the election of auditor and treasurer foı the State of Arkansas, at the hour of 11, A. M., on Saturday next, and that the House of Representatives be requested to concur therein.

Which was laid on the table for the present.

On motion of Mr. Trimble, the Senate resolved itself into committee of the whole, on the bill "to amend the laws for taking up estrays."

Mr Clark in the chair.

The chairman of the committee of the whole, reported to the Sena te,that the committee had had under consideration, the bill to be entitled "an act to amend the law for taking up estrays," had made progress therein, and asked leave to sit again.

On motion of Mr. McCamy, the bill to be entitled "an act to amend the laws for taking up estrays" was referred to a select committee, consisting, at the suggestion of Mr. Gaines, of seven, one from each judicial circuit, to-wit: Messrs. Gaines, Newton, Neely, Hudson, McCamy, Black, and Clark.

Mr. Smith, from the select joint committee to whom was referred the communication from the executive and financial receivers of the State bank, in relation to a debt of about $20,000, due the State of Arkansas by, the North American Trust and Banking Company, of the city of New York, made the following report:

Mr. President,—The select joint committee, appointed on the part of the Senate, to whom was referred the communication from the receivers of the State bank, respectfully ask leave to be discharged from the further consideration thereof.

SMITH, *Chairman.*

Which report was adopted.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorably body, that the joint committee, to whom was referred the communication of the bank receivers, have been discharged on the part of the House.

The bill to be entitled "an act to define the mode of collecting the revenue of this State," was read a second time.

Mr. Irvin, moved to refer the bill to a select committee of three.

Mr. Black moved to lay the bill on the table until 1850, which was lost.

The question was then taken on Mr. Irvin's motion to refer to a select committee, and carried, and Messrs Irvin, Trimble and Maxwell, appointed a committee.

The resolution of Mr. Gaines, introduced on Wednesday last, to appoint a joint select committee. to examine into the conduct of the late bank visitor, &c., was read a third time and adopted, and Messrs. Newton, Pelham and Walker, appointed a committee on part of the Senate, and the House of Representatives informed thereof.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed a bill entitled "an act to repeal sec. 3d, of an act prescribing the time of holding the circuit courts for the several judicial circuits, approved, the the 1st day of February, 1843, and for other purposes," and the assent of the Senate is asked.

Also, have adopted a resolution, praying the Congress of the United States, to change the several compacts, between the United States and the State of Arkansas, relating to the donations of land, and the concurrence of the Senate is asked.

Also, the House of Representatives have adopted,

Resolved, That the county of Fulton be furnished with her proportional share of copies of the revised statutes and decisions of the supreme court, to which the concurrence of the Senate is respectfully asked.

All of which, are herewith submitted.

On motion of Mr. Trimble, the resolution accompanying the message, praying Congress to change the several compacts between the United States and the State of Arkansas, relating to the donation of lands, was referred to the committee on memorials.

The resolution to furnish Fulton county with her proportional part of the revised statutes, and the decisions of the supreme court, was concurred in by the Senate, and the House of Representatives informed thereof.

The bill from the House of Representatives, entitled "an act to repeal sec. 3, of an act prescribing the time of holding the circuit courts for the several judicial circuits, approved, the 1st day of February, 1843, and for other purposes," was read a first time, and ordered to a second reading on to-morrow.

Mr. Trimble asked, and obtained leave to introduced a bill to be entitled "an act to amend the revenue laws," which was read a first time.

On motion of Mr. Trimble, the rules of the Senate were dispensed with, and the bill read a second time: and on the further motion of Mr. Trimble, referred to the committee on ways and means.

Mr. Yell gave notice, that on to-morrow, he would move to amend the 3d standing rule of the Senate, so as to read, that "two thirds of the Senate shall constitute a quorum to do business."

On motion of Mr. Smith, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

SATURDAY, *November* 16*th*, 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the Senate;

The roll being called, it appeared there were sixteen Senators present.

The journal of yesterday was read.

Mr. Pelham introduced a petition from seven citizens of Independence county, praying to be released as a board of trustees, to superintend the building of a church for the Methodist Episcopal church, in the town of Batesville, from a debt of six hundred dollars, and interest thereon, at eight per cent. per annum, from the first day of February, 1842, due the branch bank of the State of Arkansas, at Batesville, which sum, they allege in said petition, was borrowed by them from said branch bank to complete the church aforesaid.

After the reading of the petition, Mr. Smith moved to reject it; but at the suggestion of Mr. Pelham, withdrew his motion to reject, and on motion of Mr. Pelham, the petition was referred to the committee on banks.

Mr. Smith, introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the General Assembly adjourn *sine die* on Friday, the twentieth day of December next, and the concurrence of the House of Representatives be asked.

Which was read, and ordered to lie on the table one day.

Mr. Trimble introduced the following resolution.

Resolved, That the commissioner of public buildings, provide suitable curtains for the windows of the Senate chamber, and have them put up as soon as practicable.

Which was read and rejected.

The following message was received from the House of Representatives, by S. S. Tucker, esq. clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed the following resolution.

Resolved, by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and that our Representative be requested to procure, if possible, the passage of a law establishing a mail route from Little Rock to Fort Smith, in Crawford county, running on the south side of Arkansas river. Also, a route commencing at Perryville in Perry county, to Park's Post office, Scott county. Also, a route commencing at Benton, Saline county, thence by Preston Bland's to Perryville, in Perry county; and also, a route commencing at Benton, Saline county, by Joel Brown's, Berriman McDaniels, Keezee's mill through Colbreath's settlement and Mark's settlement, to Warren's in Bradley county.

Which is herewith submitted, and the assent of the Senate is asked.

Mr. Gaines, from the committee on ways and means, made the following report:

Mr. President,—The committee of ways and means have had under consideration, the bill entitled "an act to amend the revenue laws, and have instructed me to report the same back without amendment, and recommend its passage.

All of which, is most respectfully submitted.

J. F. GAINES, *Chairman.*

Which report was adopted.

The bill to be entitled "an act to amend the revenue laws," was read a third time, and the question being on its final passage, it was, on motion of Mr. Smith, referred back to the committee on ways and means, with instructions to strike out "or" in the 4th line from the top, in the 18th section, of the 128th chapter of the revised code, which it proposes to revive, and insert "and"

Mr. Gaines made the following report:

Mr. President,—The select committee, to whom was referred "an act to amend the laws for taking up estrays," have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendments, to-wit:

Amend the first section of the bill, by striking out the word "shall," and inserting "may."

Amend the sixth section, by striking out "ten," and putting in "five."

Amend the 8th section, by inserting "goats" in the 2d line, and striking out "hogs" in the 5th line of the section.

Amend the 12th section of the bill, by striking out "and their judgment shall be final, from which no appeal shall be allowed."

All of which, is respectfully submitted.

J. F. GAINES, *Chairman.*

Which was read and adopted.

The bill to be entitled "an act to amend the laws for taking up estrays, was then read a third time.

Mr. Smith, moved to amend, by way of a rider, as follows: strike out the words "good money" in the 7th line of the 4th section, and insert "gold or silver."

Strike out the words "good funds" in the 8th line of the 6th section, and insert "gold or silver."

Strike out the words "good funds" in the 17th and 18th lines of the 7th section, and insert "gold or silver."

The vote was taken on each amendment separately, and they were adopted.

Mr. Gainer moved to strike out all after the enacting clause, and insert the following as a substitute for the original bill:

Sec. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the 37th and 38th sections of an act entitled "an act to establish a system of common schools, in the State of Arkansas, approved, 3d day of February, 1843," be, and the same are hereby repealed, and that this act take effect, and be in force, from and after the 1st day of January, 1845."

Mr Ficklin, moved to lay the bill and amendments on the table, until the 1st day of July next, on which motion, Mr. Gaines called for the yeas and nays."

At the suggestion of Mr. Walker, Mr. Ficklin withdrew his motion to lay on the table, and the bill and amendments, were, on motion of Mr. Gainer, referred to the same select committee, to whom the bill was referred on yesterday, to-wit: Messrs. Gaines, Newton, Neely, Hudson, McCamy, Black and Clark.

Mr. Yell, agreeable to notice given on yesterday, introduced the following resolution:

Resolved, That the words "a majority," in the 3d standing rule of the Senate be stricken out, and the words "two thirds," be inserted in the place thereof. Adopted.

Mr. Ficklin, moved that the Senate adjourn.

Mr. Newton, moved that when the Senate adjourn, it adjourn until 10 o'clock, on Monday, which motion prevailed, and the Senate adjourned accordingly.

JOHN WILLIAMSON, *President of the Senate.*

Monday, *November 18th,* 1844.

The Senate met persuant to adjournment.

Mr. President ordered a call of the Senate;

The roll being called, it appeared that there were eighteen Senators present.

The journal of Saturday was read.

Mr. Smith gave notice, that on to-morrow, he would ask leave to introduce a bill to repeal the 31st section of "an act to place the bank of the State of Arkansas, in liquidation.

On motion of Mr. Gaines, Mr. Gainer was added to the select committee to whom was referred the bill to be entitled "an act to amend the laws for taking up estrays.

Mr. Gaines, from the committee on ways and means made the following report:

Mr. President,—The committee of ways and means have had the bill entitled "an act to amend the revenue laws," under consideration a second time, and have instructed me to report the accompanying amendment as a substitute for the second seetion of the original bill.

All of which is respectfully submitted.

J. F. GAINES, *Chairman.*

Which report was read and adopted.

Mr. Walker, moved to refer the bill to a select committee,

Which motion was lost.

On motion of Mr. Trimble, the bill was ordered to be engrossed, and read a third time on to-morrow.

Mr. Walker from the committee on memorials to whom was referred a resolution from the House of Representatives, instructing our Senators and requesting our Representative in Congress, to change or modify the compact entered into between the United States and the State of Arkansas, with regard to the different donations of land made by the United States to the State of Arkansas, made tne following report:

Mr. President,—The committee on memorials to whom was referred the resolution of the House "resolving that our Senators in Congress be instructed, and our Representative be requested to use all their influence with the Congress of the United States, to change or modify the compacts entered into between the United States and the State of Arkansas, with regard to the different donations of land, made by the United States to the State of Arkansas, that the Legislature may dispose of the same, ask leave to report the same without amendment.

J. G. WALKER, *Chairman.*

On motion of Mr. McKean, the report and resolution accompanying it, were laid on the table for the present.

Mr. Walker from the select committee, to whom was referred the bill to be entitled "an act to change the time of stay on execution, and for other purposes," made the following report:

Mr. President,—The committee to whom was referred the bill to be entitled "an act to change the time of stay on execution, and for other purposes," have had the same under consideration, and ask leave to report the same with amendments thereunto appended.

J. G. WALKER, *Chairman.*

On motion of Mr. Ficklin, the report was rejected.

Mr. Ficklin moved, that the bill be referred to a select committee, consisting, at the suggestion of Mr. Trimble of seven, which motion prevailed, and Messrs. Ficklin, Walker, Trimble, Newton, Neely, McCamy and Rose, were appointed said committee.

Mr. Rose, agreeable to notice given, introduced a bill to be entitled "an act to establish courts of chancery," which was read a first time.

Mr. Clark moved to dispense with the rules, that the bill be read a second time, which motion was lost—the Senate refusing to dispense with the rules.

The bill was then ordered to a second reading on to-morrow.

The bill from the House of Representatives, entitled "an act to repeal the 3d section of "an act prescribing the time of holding the circuit courts in the several judicial circuits, approved the 1st day of February, 1843, and for other purposes," was read a second time, and on motion of Mr. Yell, referred to a select committee, consisting of Messrs. Yell, McCamy and Walker.

The resolution introduced by Mr. Smith, to adjourn *sine die*, on the 20th day of December, was taken up and read.

Mr. Ficklin moved to strike out "20th," which motion prevailed.

Mr. Ficklin moved to fill up the blank with "10th," upon which motion, Mr. Gaines called for the yeas and nays, which being ordered, were yeas 21, nays 1, as follows:

Yeas—Messrs. Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McKean, Neely, Newton, Pelham, Reyburn, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell, and Mr. President—21.

Nay—Mr McCamy—1.

So the motion to fill the blank with "10th," was carried, and the House of Representatives informed thereof.

The following resolution received from the House of Representatives on Saturday last, was taken up.

Resolved, By the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative be requested, to procure, if possible, the passage of a law establishing a mail route from Little Rock to Fort Smith, in Crawford county, running on the south side of Arkansas river. Also, a route commencing at Perryville, in Perry county, to Parks' post-office, in Scott county. Also, a route commencing at Benton, Saline county, thence by Preston Bland's to Perryville, in Perry county. And, also, a route commencing at Benton, Saline county, by Joel Brown's, Berryman McDaniels, Keezees mill, through Colbreath's settlement and Marks' settlement, to Warren's, in Bradley county.

Read a first time, and ordered to a second reading on to-morrow.

Mr. Ficklin introduced the following resolution:

Resolved, That a committee of two on the part of the Senate, and three on the part of the House of Representatives, be appointed to wait on his excellency the Governor, and ascertain at what time it will suit his convenience to make his communication to both Houses of this General Assembly; and that the House of Representatives be requested to concur herein.

Which was adopted; and Messrs. Ficklin and Reyburn appointed the committee on the part of the Senate; and the House of Representatives informed thereof.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

"Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed an act changing the time of holding the Jackson and Pulaski county circuit courts. Also an act to incorporate the Spring Hill male academy; and are herewith transmitted for your assent.

The House have adopted a resolution authorizing the sale of public lands to actual settlers in half quarter sections; which is herewith submitted for your concurrence.

The House have concurred in the resolution of the Senate appointing committee to examine into the acts of the late bank visitor, and also the acts of the financial and executive receivers of the State Bank and branches; which is herewith returned to the Senate.

The House have appointed Messrs. Owen, Strain, Blackwell, Sumner, and Hammond, committee on the part of the House."

An act to change the time of holding the circuit courts in Jackson county and Pulaski county, was read a first time.

On motion of Mr. Newton, the rules of the Senate were dispensed with, and the bill read a second time and referred to a select committee, consisting of Messrs. Newton, Maxwell, and Neely.

An act entitled "an act to incorporate the Spring Hill male academy," was read a first time, and ordered to a second reading on to-morrow.

The resolution from the House authorizing the sale of the public lands to actual settlers in half quarter sections, was read a first time, and ordered to a second reading on to-morrow.

Mr. Stell gave notice that, on Wednesday next, he would ask leave to introduce a bill to repeal the 20th, 21st and 22d sections of chapter 39 of the revised statutes of the State of Arkansas.

On motion of Mr. Yell, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

Tuesday, *November* 19*th*, 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the Senate; the roll being called, it appeared that there were seventeen Senators present.

The journal of yesterday was read.

Mr. Maxwell presented a petition from seventeen citizens of the counties of White, Jackson and Monroe, recommending and praying the following amendments to the constitution of the State of Arkansas, to wit:

"1. The credit or faith of the State to be never pledged for any motive whatever.

"2. The power to create or charter any bank or banks to be erased from it for ever.

"3. Such part of it that says 'no person who denies the being of a God,' &c., ought not to find room in it, and ought to be expelled from it.

"4. That a majority of two-thirds of the Legislature shall be necessary to overrule the veto power of the Governor, instead of a majority.

"5. No minister of the Gospel should be eligible to a seat in the General Assembly.

"6. No salary or compensation should be paid by the State to any clergyman or chaplain for clerical services.

"7. When any part of our constitution shall be deemed necessary to be amended or repealed by our Legislature, six copies of such proceedings shall be printed and delivered to the sheriff of each county, who shall put one up in the most public place in each township. On each poll book there shall be two columns for the yeas and nays of the qualified voters on such amendment. The clerk of the county court shall, in the same way as that for the elections, count the yeas and nays, and send abstracts of them, properly certified, to the Secretary of State, who, in the presence of the Governor, Speaker of the House of Representatives, and President of the Senate, count such abstracts; and declare whether it be carried or not."

Also praying the following alterations in our laws:

"That the salaries of our State officers be reduced. The Governor's salary to $1,500 per annnm, supreme judges $1,200 per annum, circuit judges to $800 per annum, and other officers' salaries in proportion.

"No man who has any interest in banks to be elected a judge of the supreme court. No special judges should be appointed. The exsenses of internal improvement should be borne by those who get the benefit.

"The time granted by the last Legislature for winding up the banks, is entirely too long.

"The money arising from the sale of the 500,000 acres of land should go to pay the State bonds.

"The money arising from the 72 sections of seminary land, to be appropriated for the use of common schools.

"All money arising from the 72 sections of seminary lands and the 16th sections, should be divided equally, in 52 shares, and deposited with the county treasurer of each county.

"Every citizen should be entitled to keep one gun. The form of a State's warrant should be found in the statute book.

"The resolution of the last Legislature, against A. H. Sevier, ought not to be expunged.

"L. B. Tully should be elected a Senator in Congress from our State.

"Our Senators and Representatives in Congress should be instructed to vote for the annexation of Texas; the re-occupation of Oregon Territory; to advocate a reduction of postage; to protest against the search of American vessels by those of any foreign power; to vote against the new alien bill; to have the old pre-emption law amended, so that any land upon which any person has a pre-emption right, cannot be sold from him for five years after the land comes into market; and to use all their power to get an appropriation for the Memphis road.

"The law to prohibit the emigration and settlement of free persons of color in this State, should be repealed.

"Something should be done to reduce the toll on the Memphis road. And the judges of election, and the judges of the county court, should be elected by the people."

After the reading of the petition, Mr. Smith moved to refer it to the select committee to whom was referred the several proposed amendments to the constitution of the State of Arkansas; but at the suggestion of Mr. McCamy, withdrew his motion.

The petition was then, on motion of Mr. McCamy, referred to the committee on ways and means.

Mr. Neely presented a memorial from James B. Jackson, praying the passage of a law authorizing the receivers of the State Bank of Arkansas to pay him for services rendered as an attorney for the bank aforesaid, in the collecting and securing of debts due said bank in the first judicial circuit of the State of Arkansas.

After the reading of the petition or memorial, it was, on motion of Mr. Gaines, referred to the select joint committee appointed on the resolution introduced in the Senate by Mr. Gaines, "to inquire into the conduct of the late bank visitor, and the conduct of the executive and financial receivers of the State Bank."

Mr. Gaines introduced the following resolution:

Resolved, That the committee on the penitentiary be instructed to inquire into the reason why the keeper of the penitentiary has advertised the contracting of fifty thousand pounds of pork for the use of said penitentiary, when there are only forty convicts.

Which was read and adopted.

Mr. Smith, from the committee on banks, to whom was referred the petition of seven citizens of Independence county, made the following report:

"The committee on banks, to whom was referred the petition of D. W. Lowe, B. Lee, H. W. Hunt, and others, a board of trustees of the Methodist Episcopal Church, in the town of Batesville, in the county of Independence, State of Arkansas, praying to be released from the payment of a note due to the branch of the Bank or the State of Arkansas, of the sum of six hundred dollars, and interest thereon, from from the first of February, 1842, at 8 per cent. interest per annum, have had the same under consideration, and have instructed me to recommend to the Senate to reject the prayer of said petitioners, as contrary to the 3d section of the 2d article of the constitution, and inexpedient to the interest of the people of the State of Arkansas.

All which is respectfully submitted. H. SMITH,

Chairman committee on Banks."

Which report was read and adopted.

Mr. Gaines, from the majority of the select committee to whom was referred the bill to be entitled "an act to amend the laws for taking up estrays," made the following report:

Mr. President—The select committee to whom was referred the bill entitled an act to amend the laws for taking up estrays, have had the same under consideration a second time, and have instructed me to report the same back as amended by the Senate, without further alteration, and recommend the passage of the same. All of which is respectfully submitted.

J. F. GAINES, *Chairman.*

Mr. Gainer, from the minority of the commitiee on the same subject, made the following report:

Mr. President—The committee to whom was referred the bill entitled 'an act to amend the laws for taking up of estrays,' have had that bill under consideration, and the minority of that committee have instructed me to report the following bill as a substitute for the same. All of which is respectfully submitted.

GAINER, *Chairman*
of the minority.

Sec. 1. *Be it enacted by the General Assembly of the State of Arkansas,* That the 37th and 38th sections of an act entitled an act to establish a system of common schools in the State of Arkansas, approved, the 3d day of February, 1843, be and the same are hereby repealed, and that this act take effect and be in force from and after the first day of January, 1845.

Both reports were read.

The question was taken on adopting the majority report submitted by Mr. Gaines, and it was rejected;

The question was taken on adopting the report of the minority submitted by Mr. Gainer, and it was adopted.

On motion of Mr. McCamy, the bill submitted by the minority of the committee as a substitute for the original bill, was read a third time, and the question being "shall the bill pass?"

On this question, Mr. Gaines called for the yeas and nays, which being ordered, were yeas 13, nays 10, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Irvin, McCamy, Mitchell, McKean, Neely, Shaw, Stell, Trimble, Walker and Yell—13.

Nays—Messrs. Clark, Gaines, Hudson, Maxwell, Newton, Pelham, Reyburn, Rose, Smith and Mr. President—10.

So the bill was passed, and transmitted to the House of Representatives for their assent.

Mr. Newton, from the select committee to whom was referred the bill the bill to postpone the time of holding the Jackson and Pulaski county circuit courts, made the following report:

The select committee, to whom was referred the bill entitled "an act changing the time of holding the circuit court in Jackson county and Pulaski county," have instructed me to report the following as a substitute for the whole bill. NEWTON, *Chairman.*

Which report, and the substitute for the original bill were read, and the report adopted.

On motion of Mr. Newton, the rules were dispensed with, the bill read a third time and passed, and transmitted to the House of Representatives for their assent.

Mr. Irvin, from the select committee to whom was referred the bill, entitled "an act defining the mode of collecting the revenue," made the following report:

Mr. President—The select committee to which was referred a bill entitled an act defining the mode of collecting the revenue of the State, have had the same under consideration, and have instructed me to report the bill herewith submitted, as a substitute for the original bill. M. IRVIN, *Chairman.*

The report and substitute for the original bill accompanying, were read.

Mr. Gaines submitted a bill as a substitute for the substitute submitted by Mr. Irvin.

Which was read.

The question was then taken on adopting the substitute submitted by Mr. Gaines for the substitute submitted by the committee, and it was rejected.

The question was then taken on adopting the report of the committee, and it was adopted.

On motion of Mr. Smith, the bill and all the papers accompanying it, were referred to a select committee, consisting of Messrs. Smith, Shaw, Gaines, Irvin and Hudson.

Mr. Smith agreeable to notice given, introduced a bill "to repeal the 31st section of an act to place the bank of the State of Arkansas in liquidation."

Which was read a first time, and ordered to a second reading on to-morrow.

A bill to be entitled "an act to incorporate the Spring Hill male academy," was read a second time.

Mr. Gaines moved to dispense with the rules, and read the bill a third time.

Which motion was lost, the Senate refusing to dispense with the rules.

The bill was then ordered to a third reading on to-morrow.

The resolution from the House, praying Congreess to establish certain mail robtes on the south side of Arkansas river, was read a second time, and ordered to a third reading on to-morrow.

The resolution from the House, instructing our Senators and requesting our Representative in Congress, to procure if possible, the passage of a law authorizing the public lands to be sold in half quarter sections, running east and west to actual settlers, was read a second time, and ordered to a third reading on to-morrow.

The bill to be entitled "an act to amend the revenue laws," ordered to be engrossed on yesterday, was read a third time, and the question being "shall the bill pass?"

Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 9, nays 14, as follows:

Yeas—Messrs. Clark, Gaines, Hudson, Rose, Shaw, Stell, Trimble, Yell, and Mr. President—9.

Nays—Messrs. Black, Ficklin, Gainer, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Smith and Walker—14.

So the bill was lost.

A bill to be entitled "an act to establish courts of chancery," was read a second time, and on motion of Mr. Rose referred to the committee on the judiciary.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed an act to punish embezzlement, which is herewith transmitted for the assent of the Senate.

The bill to be entitled "an act for the punishment of embezzlement," accompanying the message from the House was read a first time.

Mr. Ficklin moved to reject the bill.

Upon which motion, Mr. Black called for the yeas and nays, which being ordered, were yeas 11, nays 12, as follows:

Yeas—Messrs. Black, Ficklin, Irvin, Maxwell, McCamy, Mitchell, Pelham, Reyburn, Rose, Walker and Yell—11.

Nays—Messrs. Clark, Gainer, Gaines, Hudson, McKean, Neely, Newton, Shaw, Smith, Stell, Trimble and Mr. President—12.

So the motion to reject the bill was lost, and the bill ordered to a second reading on to-morrow.

Mr. McCamy introduced the following resolution;

Resolved, by the General Assembly of the State of Arkansas, That the judges of the supreme court, be, and they are hereby appointed commissioners to digest and prepare a system of laws for the use and government of the people, and that they report the same to the next regular session of the legislature, for its approval and adoption."

Which was read a first time, and ordered (at the suggestion of Mr. Smith) to a second reading on Thursday next.

Mr. McKean, from the committee on that subject, reported a memorial to the Congress of the United States, praying that the act granting seventy-two sections of land to the Territory of Arkansas, be so altered or amended, as to give the General Assembly of the State of Arkansas, power to apply the proceeds arising from the sale of said lands, in such manner as may be deemed best calculated to promote the blessings of education within the State.

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Clark give notice that on to-morrow, he would ask leave to introduce a bill to be entitled "an act to amend the law concerning guardians and wards."

On motion of Mr. Walker, Mr. Maxwell was added to the committee on ways and means.

On motion of Mr. Smith, Mr. Gaines was added to the joint committee, appointed to examine into the conduct of the late bank visitor, and the conduct of the executive and financial receivers of the State bank, &c.,

Mr. McCamy moved that the Senate adjourn.

Which motion was lost.

Mr. Gaines introduced the following preamble and resolution:

Whereas, By an act of Congress, the 16th section in each and every township of the public lands of the United States, is donated to the States, within which the land lies, for the use of common schools in each township; and, whereas, the 16th section sometimes, and not unfrequently falls on land of little or no value:

Therefore, be it resolved by the General Assembly of the State of ***Arkansas***, That our Senators in Congress be instructed, and our Representative requested to urge the passage of a law, providing that where the trustees of any township, appointed according to law, shall report that the 16th section in such township is not of average value of the land in the township, that then the said 16th section shall fall back to the United States, and that the said trustees shall select another section on any of the other unappropriated lands of the United States, in the county in which the same shall lie, or the surveyor's district; which section shall be for the use of common schools in such township.

Which were read a first time, and ordered to a second reading on to-morrow.

Mr. Newton introduced the following resolution:

Resolved, That this General Assembly proceed, at 12 M., to-morrow, to elect a board of education, as provided for by the act establishing a system of common schools, and that the House of Representatives be requested to concur herein.

Which was adopted, and the House of Representatives informed thereof.

Mr. Irvin give notice, that on Thursday next he would introduce a bill to be entitled, "an act to regulate the action of forcible entry and detainer.

On motion of Mr. Maxwell, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

WEDNESDAY, *November 20th*, 1844.

The Senate met persuant to adjournment.

Mr. President ordered a call of the Senate.

The roll being called, it appeared that there were sixteen Senators present.

The journal of yesterday was read.

Mark Bean, one of the Senators from Washington county, appeared and took his seat.

A bill from the House "to incorporate the Spring Hill male academy," was read a third time and passed, and returned to the House of Representatives.

The resolution from the House asking Congress to establish certain mail routes, on the south side of Arkansas river, was read a third time and passed, and returned to the House of Representatives.

The resolution from the House instructing our Senators, and requesting our Representative in Congress, to procure if possible the passage of a law, authorizing the sale of the public lands in half quarter sections, running east and west, to actual settlers, was read a third time, and passed, and returned to the House of Representatives.

The resolution offered by Mr. Gaines on yesterday, instructing our Senators and requesting our Representative in Congress, to urge the passage of law, authorizing the trustees of any township where the 16th section, in said township is not of average value, to locate other lands in lieu thereof, was read a second time.

On motion of Mr. Black, it was referred to a select committee, consisting of Messrs. Black, Newton and Shaw.

Mr. Clark, agreeable to notice given, introduced a bill to be entitled "an act concerning guardians and wards."

Which was read a first time, and ordered to a second reading on to-morrow.

The memorial introduced on yesterday by Mr. McKean, praying Congress to change the compact between the United States and the State of Arkansas, so as to authorize the legislature of the State of Arkansas to appropriate the seventy-two sections of land donated to the Territory of Arkansas for a seminary of learning, to the use of common schools, was read a second time, and ordered to a third reading on to-morrow.

The bill to repeal the 31st section of "an act placing the State bank in liquidation," was read a second time, and on motion of Mr. Smith, laid on the table for the present.

The bill from the House, entitled "an act for the punishment of embezzlement," was read a second time.

Mr. Trimble moved to refer the bill to the committee on the penitentiary.

Which motion was lost.

The bill was, on motion of Mr. Gaines, referred to the committee on the judiciary.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate to appoint a committee to wait on the Governor, and ascertain at what time it will suit his convenience to make his communication to both Houses of the General Assembly.

The committee on part of the House are Messrs. Culver, Clark of Carroll, and Physic.

The House have passed an act to grant a charter to George W. Lemoyne, for the purpose of erecting and building a toll bridge across Point Remove creek, in Conway county, Arks.

Also, a bill to change the present mode of voting in this State, from voting *viva voce* to voting by ballot.

Which are herewith transmitted for the assent of the Senate.

The House have also adopted the following resolution:

Resolved by this House, That the county of Montgomery be furnished with as many of the revised statutes of this State as she is entitled to by law; that the Senate concur in the same, and that the secretary of State be directed to forward the same to Mount Ida post office, in said county.

The bill from the House entitled "an act to grant a charter to Geo. W. Lemoyne for the purpose of erecting and keeping a toll bridge across Point Remove creek, in Conway county, Arks.," was read a first time.

On motion of Mr. Maxwell, the rules of the Senate were dispensed with, that the bill be read a second and third time and passed.

The bill was accordingly read a second time; and on motion of Mr. Newton, it was read a third time.

Mr. Black moved to refer the bill to a select committee.

Which motion was lost.

The question "shall the main question be now put?" was stated from the chair, and sustained by the Senate.

The question "shall the bill pass?" was then put.

On this question Mr. Black called for the yeas and nays, which being ordered, were yeas 15, nays 9, as follows:

Yeas—Messrs. Bean, Clark, Gaines, Hudson, Irvin, Maxwell, McCamy, McKean, Newton, Reyburn, Rose, Shaw, Stell, Trimble and Yell—15.

Nays—Messrs. Black, Ficklin, Gainer, Mitchell, Neely, Pelham, Smith, Walker and Mr. President—9.

So the bill was passed, and returned to the House of Representatives.

Mr. Ficklin, from the joint select committee appointed to wait on his excellency the Governor, made the following report:

Mr. President,—The select joint committee appointed on the part of the Senate, to wait on his excellency the Governor, and to learn at what time it will suit his convenience to make any communication to the legislature he may think proper, report,

That they have performed that duty, and have received answer, that his excellency will make a written communication to both branches of the legislature on this day, at half past eleven o'clock, A. M.

FICKLIN, *Chairman*
on the part of the Senate.

The bill from the House entitled "an act to change the mode of voting in this State, from voting *viva voce*, to voting by ballot," was read a first time.

Mr. Ficklin moved to reject the bill, and called for the yeas and nays on his motion, which being ordered were yeas 11, nays 13, as follows:

Yeas—Messrs. Black, Ficklin, Gaines, Irvin, Maxwell, McKean, Pelham, Reyburn, Shaw, Smith and Walker—11.

Nays—Messrs. Bean, Clark, Gainer, Hudson, McCamy, Mitchell, Neely, Newton, Rose, Stell, Trimble, Yell and Mr. President—13.

So the motion to reject the bill was lost.

The bill was then ordered to a second reading on to-morrow.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives withhold their concurrence to the resolution of the Senate, to proceed to the election of the board of education as provided for in the act of 3d February, 1843, on this day at 12 o'clock, M., which is herewith returned.

Mr. Newton introduced the following:

Resolved, That the joint committee on the resolution of Mr. Gaines to examine into the acts of the late bank visitor, and also, the conduct of the financial and executive receivers of the State bank and branches, be dissolved, and that a separate committee of the Senate be appointed to whom the said resolution shall be committed, with power to send for persons and papers: and that the House of Representatives be informed hereof.

Which was adopted, and Messrs. Newton, Smith, Maxwell, Gaines and Hudson, appointed a committee on part of the Senate, and the House of Representatives informed thereof.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives withhold their assent to the substitute of the Senate to the bill of the House, changing the time of holding the Jackson and Pulaski circuit courts, and respectfully ask a conference to be had thereon.

The House have appointed Messrs. Fowler, Cromwell and Hall, committee.

The question, after the reading of the message, was taken on concurring with the House, and carried.

Mr. President, then appointed Messrs. Newton and Maxwell, a committee of conference on part of the Senate.

Mr. Newton moved to be excused from serving on the committee.

Which motion was sustained by the Senate, and Mr. Trimble appointed in the place of Mr. Newton, and the House of Representatives informed thereof.

On motion of Mr. Ficklin, the Senate took a recess until half after 11 o'clock.

Af half after 11 o'clock, the Senate convened.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the Hall of the House of Representatives is now in readiness to receive the Senate, for the purpose of receiving a message from his excellency, pursuant to resolution of yesterday.

In accordonce with the above message, the Senate repaired to the hall of the House of Representatives.

After the reading of the message, from his excellency the Governor, the Senate returned to their chamber.

On motion of Mr. Pelham, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

THURSDAY, *November 21st*, 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the Senate;

The roll being called, it appeared that there were sixteen Senators present.

The journal of yesterday was read.

Mr. Bean presented a petition from twenty-seven citizens of Washington county, stating that John Robinson, Anderson Hutchens, Enos Harer, and John Wooton, had settled on, and made valuable improvements, on the 16th section, in township 14, N. range 30 W. before said land was surveyed; and praying that they may be allowed to enter their improvements at a price not exceeding $2 00 per acre.

After the petition was read, it was, on motion of Mr. Bean, referred to the committee on education.

On motion of Mr. McCamy, Mr. Bean was added to the committee on education.

On motion of Mr. McCamy, Mr. Bean was added to the committee on internal improvements.

On motion of Mr. Ficklin, Mr. Bean was added to the committee on auditor and treasurer's books.

Mr. Yell introduced the following resolution:

Resolved, That one thousand copies of the Governor's message be printed for the use of the Senate. Adopted.

Mr. Gaines, from the committee on ways and means, made the following report:

Mr. President,—The committee on ways and means have examined, and taken under special consideration, the petition presented to the Senate by the Senator from Jackson, White and Monroe counties, which was, by order of the Senate, referred to the committee aforesaid.

The committee, on examination, find the same to be instructions from these counties to their Senator, which instructions contain many valuable suggestions, upon subjects of vital importance. Some of which have already been acted upon by this General Assembly, and others now under consideration; but, as the instructions are addressed to the "Hon. David Maxwell," and seem to have been intended by the signers, to serve as a memorandum of their wishes and instructions to govern his action as their Senator, your committee forbear to take any further action upon them, than to recommend that the Hon. Senator be permitted to withdraw the same; and that the committee be excused from the further consideration of the subject.

All of which is respectfully submitted.

J. F. GAINES, *Chairman.*

Mr. Trimble, from the committee on conference, made the following report:

Mr. President,—The committee of conference, to whom was referred the difference between the two Houses on the bill to be entitled "an act to change the times of holding the circuit courts in Jackson and Pulaski counties," have confered in regard to said bill, and have agreed to recommend that the Senate recede from the amendments made by the substitute, in the 2d section thereof, and that the Senate adhere to the amendment in said 1st section of said substitute, and to the 3d section of the original bill shall stand, or the 3d section of the amendment.

WM. TRIMBLE, *Chairman,*
on the part of the Senate.

Mr. Maxwell, presented a petition from seventeen citizens of Little Rock, recommending that the 2d section in the substitute be adhered to.

On motion of Mr. Ficklin, the report was laid on the table for the present.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—The House of Representatives deeply deploring the melancholy occasion, have instructed me to convey the sad information to your honorable body, that death, the fell destroyer of our race, by the stern doom of overruling Providence, has removed from their number, two of the members of that body, the Hon. Charles Caldwell, and the Hon. Mortimer W. Baltimore, whose memories they long will revere, and whose death they sincerely lament, and have adopted the following preamble and resolution, expressive of their unfeigned grief, and the concurrence of the Senate is asked thereto.

Whereas, it has pleased the all-wise God of the universe, to call from among us our friend and fellow member, Mortimer W. Baltimore, a member of this House, from the county of Independence: therefore,

Resolved, That the members of this House will wear crape on the left arm for thirty days as a token of their sorrow, that this House feel at the loss of one of its members.

Resolved, That this House has heard with profound sorrow, of the sudden death of the Hon. Charles Caldwell, the Representative from Saline county.

Resolved, That in token of respect to his memory, the members of this House will wear crape on the left arm for thirty days.

Which were concurred in.

On motion of Mr. Trimble, a committee of three was appointed by the Senate, to act in conjunction with the committee appointed by the House to make suitable arrangements for the funeral of the Hon. M. W. Baltimore.

On motion of Mr. Ficklin, the Senate took a recess until half after 2 o'clock, P. M.

At half after two o'clock, the Senate convened.

When on motion of Mr. Gaines, the Senate adjourned, and repaired to the hall of the House of Representatives, to attend the funeral of the Hon. M. W. Baltimore.

JOHN WILLIAMSON, *President of the Senate.*

FRIDAY, *November 22d*, 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the Senate;

The roll being called, it appeared that there were eighteen Senators present.

The Journal of yesterday was read.

Mr. McCamy introduced the following resolution:

Resolved, That the committee on memorials, be instructed to inquire into the propriety of memorializing Congress to have a road opened from the Arsenal at Little Rock, to Fort Smith, on the south side of Arkansas river, and that they report by memorial or otherwise.

Which was adopted,

Mr. Neely introduced the following resolution.

Resolved, That the committee on the penetentiary, be required to inquire into the expediency of farming, or renting out the penetentiary of this State, and that they be requested to report by bill, or othwise,

Which was adopted.

Mr. Gaines, gave notice, that on Wednesday next, he would ask leave to introduce a bill declaring Lefevre river navigable up to the house of Ephraim Poston, in Scott county.

Mr. Neely gave notice that on Monday next, he would ask leave to introduce a bill to be entiiled "an act to distribute the proceeds of the sales of the 500,000 acres of land donated to this State, to the several counties of this State, for the purpose of internal improvement within the same.

Mr. Maxwell gave notice, that on to-morrow, he would ask leave to introduce a bill to be entitled "an act to change the time of holding the circuit court in Jackson county.

Mr. Gainer gave notice, that on Saturday next, he would introduce a bill to be entitled "an act to repeal the 42d section of "an act to establish a system of common schools, in the State of Arkansas, approved the 3d day of February, 1843.

Mr. McCamy asked, and obtained leave to introduce a bill to be entitled an act to repeal an act entitled "an act to regulate the sale of property on execution, approved the 23d day of December, 1840."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Mitchell, asked and obtained leave to introduce a bill to be entitled "an act to repeal the act authorizing a geological survey of the State of Arkansas."

Which was read a first time, and ordered to a second reading on to-morrow.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed "an act changing the time of collecting a poll tax."

An act concerning the reports of the supreme court.

And also, an act to provide more effectually against the crime of adultery, and for other purposes.

All of of which, are herewith transmitted for the assent of the Senate.

The bill from the House to be entitled "an act to change the mode of voting in this State, from voting *viva voce*, to voting by ballot," was read a second time, and, on motion of Mr. Rose, referred to a select committee, consisting of Messrs. Rose, Clark and Shaw.

The resolution from the House, requiring the Secretary of State to furnish Montgomery county, with the number of the revised statutes, she is entitled to by law, was taken up and read a first time and ordered to a second reading on to-morrow.

The bill to be entitled "an act concerning guardians and wards," was read a second time, and on motion of Mr. Newton, referred to the committee on the judiciary.

The resolution introduced by Mr. McCamy, appointing the judges of the supreme court commissioners, "to digest and prepare a system of laws," was read a second time and ordered to a third reading on to-morrow.

The memorial to Congress, praying a change of compact between the United States and the State of Arkansas, so as to give the Legislature of Arkansas, power to appropriate the funds arising from the sale of the seventy-two sections of seminary lands, to the use of common schools, was read a third time, and the question, "shall the memorial pass," being put, Mr. Pelham called for the yeas and nays, which being ordered. were yeas, 18, nays 5, as follows:

Yeas—Messrs. Bean, Black, Clark, Gainer, Hudson, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rose, Shaw, Smith, Stell, Trimble, Walker and Mr. President—18.

Nays—Messrs. Gaines, Irvin, Maxwell, McCamy and Yell—5.

So the memorial was passed and transmitted to the House of Representatives for their assent.

The bill to change the time of holding the Jackson and Pulaski circuit courts, from the House, with the report of the committee of conference, was, on motion of Mr. Newton, taken up.

Mr. Newton moved, that the report of the committee of conference be adopted, which motion was lost.

Mr. McCamy moved a re-consideration of the vote on the adoption of the report of the committee, which was carried.

On motion of Mr. Newton, the Senate then receded from their amendments to the bill, and the original bill was returned to the House of Representatives, with the message, informing the House that the Senate had receded from their amendments.

The bill from the House, entitled "an act to change the collection of a poll tax from 60 years, to forty-five, was read a first time and ordered to a second reading, on to-morrow.

The bill from the House, entitled "an act concerning the reports of the supreme court, was read a first time, and ordered to a second reading, on to-morrow.

The bill from the House entitled "an act to provide more effectually against the crime of adultery, and for other purposes," was read a first time, and ordered to a second reading, on to-morrow.

Mr. McKean introduced, on leave, a bill to be entitled "an act for the relief of Isaac N. Jackson, sheriff of Sevier county, which was read a first time.

On motion of Mr. McKean, the rules were dispensed with, the bill read a second time and referred to a select committee, consisting of Messrs. McKean, Trimble and Rose.

Mr. Walker, introduced the following resolutions.

Resolved by the General Assembly of the State of Arkansas, That a national bank is unauthorized by the constitution of the United States, that there is no express grant of power contained in the constitution, nor is there any clause of the constitution delegating power to create a bank, to which such an institution can attach as an incident—therefore, in the opinion of this General Assembly, the incorporation of a national bank would be an unwarrantable exercise of power, a palpable violation of the constitution of the United States, and dangerous to the liberties of the people.

Resolved, That a national bank is not necessary to advance the public interests, to afford a sound circulating medium, or to regulate the exchanges; but the same would be a monopoly in the hands of a few favored individuals giving them the power to control the prices of produce and labor, to speculate upon the fluctuations, which it is their pecuniary interest and in their power to produce to the prejudice and vital injury of the great body of the people.

Resolved, That our Senaters in Congress be instructed, and our Representative be requested to use every exertion to prevent the establishment of a national bank under any form whatever.

Resolved, That the Governor furnish to each of our Senators and to our Representative, a copy of these resolutions, which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Black, leave of absence was granted to Mr. Ficklin on account of indisposition.

On motion of Mr. Black, the Senate adjourned.

JOHN WILLIAMSON, *President*.
of the Senate.

SATURDAY, *November 23d*, 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the Senate: the roll being called, it appeared that there were sixteen Senators present.

The journal of yesterday was read.

On motion of Mr. Trimble, leave of absence was granted Mr. Newton, on account of the illness of his family.

Mr. Irvin presented a petition from Darby Pentecost, a citizen of Phillips county, praying that the sum of five hundred dollars, paid by him as a tax for the privilege of keeping and exhibiting a billiard table in the town of Helena, in said county of Phillips, to the collector of said county, in the year 1839, may be refunded to him; the law under which he was assessed having been declared, by the supreme court of this State, unconstitutional.

After the reading of the petition, it was, on motion of Mr. Irvin, referred to a select committee, consisting of Messrs. Irvin, Gainer, and Shaw.

Mr. Smith, from the majority of the select committee, to whom was referred the several bills defining the mode of collecting the revenue of this State, made the following report:

"The majority of the select committee, to whom was referred the several bills defining the mode of collecting the public revenue, have had the same under consideration, and have instructed me to report the following bill as a substitute.

All which is respectfully submitted.

H. SMITH, *Chairman com.*
THOS. C. HUDSON,
J. F. GAINES,
J. D. SHAW."

The report, and bill accompanying it as a substitute for the original bills, were read.

Mr. Irvin stated to the Senate, that the report of the minority was not ready to lay before the Senate at present.

When, on motion of Mr. Ficklin, the report of the majority was laid on the table for the present.

Mr. Smith laid before the Senate a communication from the Hon. Chester Ashley, reading as follows:

"*To the Senate and House of Representatives,*
of the State of Arkansas:

GENTLEMEN—Recent indications warrant the belief that the democratic electoral ticket has succeeded in this State; and, therefore, as I was one of the only three democratic candidates on that ticket, I am elected, by the popular vote, to the office of elector for President and Vice President of the United States. Under these circumstances, the law requires that I shall attend in this city, on the first Wednesday in December next, and cast my vote; or in the event of my absence, that the Legislature, if in session, shall appoint an elector in my place. The office of Senator in the Congress of the United States, which you have recently done me the high honor of conferring upon me, requires my presence in Washington city on and before the day appointed for casting the electoral vote of the State; and, in order to reach Washington in time for the commencement of the session of Congress, I must leave here to-morrow morning.

I therefore take this method of notifying you of my intended absence, so that you may be prepared to select a suitable person to supply my place on the electoral ticket.

In return for the honor with which you have distinguished me, I avail myself of this occasion to tender you my grateful acknowledgments, and an assurance of my faithful services.

With respectful consideration, your fellow-citizen,

CHESTER ASHLEY.

LITTLE ROCK, Nov. 20th, 1844."

The communication being read, it was, on motion of Mr. Ficklin, laid on the table until the first Wednesday in December next.

Mr. Ficklin, from the select committee, to whom was referred the several proposed amendments to the constitution of the State of Arkansas, made the following report:

"MR. PRESIDENT—The select committee, to whom was referred certain resolutions concerning amendments to the constitution of this State, have had the same under consideration, and ask leave to report the following articles, as amendments to said constitution.

FICKLIN, *Chairman.*"

After the report, and proposed amendments to the constitution accompanying it, were read, Mr. Gaines moved that the proposed amendments be printed; but, at the suggestion of Mr. Ficklin, withdrew his motion.

When, on motion of Mr. Ficklin, the resolutions, or proposed amendments, were laid on the table until Monday.

Mr. Trimble moved that they be printed; but, at the suggestion of Mr. Smith, withdrew his motion, so as to allow Mr. Smith time, until Monday next, to bring in an additional resolution, or resolutions, proposing further amendments to the constitution.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

"Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed

An act establishing the seat of justice of Poinsett county;

An act to reduce the rate of interest, and prevent persons from involving themselves in debt;

An act for the relief of Charles Sneed;

An act making appropriations to pay special judges of the circuit court;

An act for the relief of James Jackson, coroner of Benton county;

Also, an act to establish the county of Liberty.

All of which are herewith transmitted for the assent of the Senate."

Mr. Ficklin, from the select committee to whom was referred the bill to be entitled "an act to repeal an act approved the 3d day of February, 1843, relating to public roads, and the overseers thereon," made the following report:

"Mr. President—The select committee to whom was referred a bill to be entitled an act to repeal an act approved the 3d day of February, A. D. 1843, relating to public roads, have had the same under consideration, and beg leave to submit the following bill as a substitute.

All of which is respectfully submitted.

FICKLIN, *Chairman.*"

The report, and substitute accompanying it, were read.

The bill was then, on motion of Mr. Pelham, referred back to the same select committee who reported and submitted it.

Mr. McKean, from the select committee to whom was referred a bill to be entitled an act for the relief of Isaac N. Jackson, sheriff of Sevier county, made the following report:

"Mr. President—The select committee to whom was referred the bill to be entitled an act for the relief of Isaac N. Jackson, sheriff of Sevier county, have had the same under consideration, and have instructed me to report: That it appears to the committee, from satisfactory evidence, that no county court was held in the said county of Sevier in the year 1844 until the 30th of October, 1844; and that no assessment was made until said 30th day of October; and that no assessment list was made out and delivered to the said sheriff until the 8th day November, 1844;—so that said sheriff could have had no time to collect the State or county taxes until after that time. That when lands are assessed under existing laws, and the taxes not paid, they will have to be sold at the spring term of the circuit court for said county, which will be on the first Monday of April next. That sheriffs cannot have a delinquent list passed upon until the following county court, on the fourth Monday of July, 1845. So that payment ought not to be required of said sheriff until the 15th day of August, 1845.

The committee, therefore, recommend the passage of the said bill; with the following amendment, as the second section of said bill:

SEC. 2. *And be it further enacted*, That whenever the taxes assessed on lands, or other property, are not paid, either for State or county purposes, the said sheriff is hereby authorized to sell any such land, or other property, according to the requisitions of existing laws, on the first day of the circuit court of said county of Sevier, to be holden on the first Monday after the fourth Monday of May, 1845, for the payment of the taxes so assessed on the same."

The report was read and adopted.

And on motion of Mr. McKean, the bill was ordered to be engrossed, and read a third time on Monday next.

Mr. Gainer, agreeable to notice given, introduced a bill to be entitled an act to repeal the 42d section of an act entitled "an act to establish a system of common schools in the State of Arkansas, approved the 3d day of February, 1843."

Which was read a first time, and ordered to a second reading on Monday next.

The bill from the House, entitled an act to provide more effectually against the crime of adultery, and for other purposes, was read a second time.

Mr. Ficklin moved to refer the bill to a select committee.

Mr. Black suggested that the committee consist of old bachelors.

Mr. Ficklin's motion prevailed, and the committee appointed, consisting of Messrs. Ficklin, Irvin, and Stell.

On motion of Mr. Ficklin, Mr. Pelham was added to the select committee to whom was referred the bill to be entitled an act to regulate roads and highways.

The bill from the House, entitled an act concerning the reports of the supreme court, was read a second time; and, on motion of Mr. Smith, referred to the committee on ways and means, with instructions to ascertain whether the 1st, 2d, 3d and 4th bound volumes of the reports spoken of in the body of the bill, are ready for distribution; also, how much the probable cost of the distribution of the same, as provided in the bill, will be to the State.

The bill from the House, entitled an act to change the collection of a poll tax from 60 years to 45 years, was read a second time.

And, on motion of Mr. Pelham, referred to the committee on ways and means.

The resolution from the House, making it the duty of the Secretary of State to furnish Montgomery county with the number of copies of the revised statutes that said county is by law entitled, was read a second time, and ordered to a third reading on Monday next.

The bill to repeal an act authorizing a geological survey of the State of Arkansas, was read a second time.

And on motion of Mr. Trimble, referred to a select committee, consisting of Messrs. Trimble, Shaw, and Mitchell.

The bill to be entitled "an act to repeal an act entitled an act to regulate the sale of property on execution; approved the 23d day of December, 1840," was read a second time.

On motion of Mr. McCamy, the bill was ordered to be engrossed, and read a third time on Monday next.

The resolutions introduced on yesterday, by Mr. Walker, instructing our Senators in Congress, and requesting our Representative, to use every exertion in their power to prevent the establishment of a national bank, was read a second time, and ordered to a third reading on Monday next.

The resolution introduced by Mr. McCamy, appointing the judges of the supreme court commissioners to digest and prepare a system of laws, was read a third time.

Mr. Smith moved to reject the resolution.

Mr. Ficklin inquired of the chair whether the resolution was subject to amendment; and being answered in the affirmative, introduced a bill as an amendment by way of rider, to be entitled an act for the digest and revision of the civil and criminal laws of the State of Arkansas, which was read.

Mr. Gaines moved to lay the resolution and amendment on the table until the year 1850.

On this motion, Mr. Ficklin called for the yeas and nays; which were ordered, and were yeas 13, nays 9, as follows:

Yeas—Messrs. Bean, Gainer, Gaines, Irvin, McKean, Neely, Reyburn, Rose, Shaw, Smith, Stell, Trimble, and Mr. President—13.

Nays—Messrs. Black, Clark, Ficklin, Hudson, Maxwell, McCamy, Mitchell, Pelham, and Walker—9.

So the resolution and amendment were laid on the table until the year 1850.

The message from the House, received this morning, was taken up and read.

The bill from the House, entitled an act to establish and confirm the seat of justice of Poinsett county, was read a first time.

On motion of Mr. Neely, the rules were dispensed with, the bill read a second and third time, and passed.

The bill from the House, entitled an act to reduce the rate of interest, and to prevent citizens of this State from involving themselves in debt, was read a first time.

On motion of Mr. Trimble, the rules were dispensed with, and the bill read a second time, and referred to a select committee of one from each judicial circuit, to wit: Messrs. Ficklin, Walker, Trimble, Newton, Neely, McCamy, and Rose; to whom were referred a bill on the same subject, entitled an act to change the time of stay on execution, and for other purposes."

The bill from the House, entitled an act for the relief of Charles

Sneed, late sheriff of Carroll county, Arkansas, was read a first time, and ordered to a second reading on Monday next.

The bill from the House, entitled an act making appropriations to pay special judges of the circuit court, was read a first time.

On motion of Mr. Neely, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. Smith, the bill was referred to the committee on ways and means.

The bill from the House, entitled an act for the relief of James Jackson, coroner of Benton county, was read a first time and ordered to a second reading on Monday next.

The bill from the House, entitled an act to establish the county of Liberty, was read a first time, and ordered to a second reading on Monday next.

On motion of Mr. Ficklin, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

MONDAY, *November 25th*, 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the Senate.

The roll being called, it appeared that there were seventeen Senators present.

The journal of yesterday was read.

Mr. Trimble asked and obtained leave of absence for Mr. Newton, for an indefinite period.

Mr. Bean asked and obtained leave of absence for Mr. Yell, on account of indisposition.

Mr. Smith offered a resolution proposing amendments to the Constitution, which was read, and on motion of Mr. Smith, ordered to lie on the table for the present.

Mr. Walker, from the select committee, to whom was referred the bill to be entitled "an act to change the time of holding the circuit courts in the fourth judicial circuit," made the following report:

Mr. President,—The committee to whom was referred the bill to be entitled "an act to repeal the third section of act prescribing the time of holding the circuit courts for the several judicial circuits, approved the 1st day of February, 1843, and for other purposes," have had the same under consideration, and ask leave to report a substitute in its place.

J. G. WALKER, *Chairman*,

The report and substitute were read, and the report adopted.

On motion of Mr. Trimble, the rules of the Senate were dispensed with, and the bill read a second time.

On motion of Mr. McCamy, the bill was ordered to a third reading on to-morrow.

Mr. Neely introduced a bill to be entitled "an act to distribute the proceeds of the sale of the 500,000 acres of land donated to this State, for the purpose of internal improvements within the same," which was read a first time, and ordered to a second reading on to-morrow.

The bill from the House entitled "an act to establish the county of LIBERTY, was read a second time, and ordered to a third reading on to-morrow.

The bill from the House, entitled an act for the relief of James Jackson, coroner of Benton county, was read a second time, and on motion of Mr. Walker, referred to a select committee, consisting of Messrs. Walker, Shaw, and McCamy.

The bill from the House entitled "an act for the relief of Charles Sneed, late sheriff of Carroll county," was read a second time.

On motion of Mr. Mitchell, the rules were dispensed with, the bill read a third time and passed.

The bill to be entitled "an act to repeal the 42d section of "an act to establish a system of common schools in the State of Arkansas, approved, 3d February, 1843," was read a second time, and on motion of Mr. Gaines, referred to the committee on education.

The bill to repeal "an act to regulate the sale of property on execution, approved, 23d day of December, 1840," was read a 3d time and referred to the select committee of seven, to whom was referred two other bills of similar import.

The bill to be entitled "an act for the relief of Isaac N. Jackson, sheriff of Sevier county," was read a third time and passed.

The resolution introduced by Mr. Walker, instructing our Senators in Congress, and requesting our Representative to use every exertion in their power, to prevent the establishment of a national bank, were read a third time, and the question being on their passage, Mr. Clark, called for the yeas and nays, which being ordered, were yeas 17, nays 4, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, Maxwell, McCamy, Mitchell, McKean, Neely, Reyburn, Rose, Shaw, Smith, Stell, Walker, and Mr. President—17.

Nays—Messrs. Bean, Clark, Pelham and Trimble—4.

So the resolutions were passed.

On motion of Mr. Ficklin, the several resolutions proposing amendments to the constitution of the State of Arkansas, were taken up and ordered to be printed.

Mr. Gaines offered an amendment to the constitution in regard to the formation of circuits, and compelling the judges of the circuit courts to interchange circuits, which was read, and ordered to be printed with the other proposed amendments.

Mr. Smith moved to have 100 copies of the several proposed amendments to the constitution printed.

Mr. Trimble moved to have 200 copies printed.

Mr. Smith withdrew his motion to print 100 copies, and the motion of Mr. Trimble prevailed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representives have received a communication from the Hon. Chester Ashley, directed to the Senate and House of Representatives, informing them of his resignation of the office of elector, for President and Vice President of the United States.

Which is herewith submitted for the consideration of the Senate.

On motion of Mr. Ficklin, the communication was laid on the table until the first Wednesday in December next, at 2 o'clock P. M.

Mr. Smith introduced the following resolution:

Resolved, That when any bill, report or resolution be printed, by order of the Senate: the secretary furnish the desk of the House of Representatives with seventy-five copies of the same, and that the House be informed of this resolution."

Which was read and adopted.

On motion of Mr. Trimble, the Senate adjourned.

JOHN WILLIAMSON, *President*
of the Senate.

TUESDAY, *Nov. 26th,* 1844.

The Senate met pursuant to adjournment.

Mr. President ordered a call of the Senate.

The roll being called, it appeared that there were sixteen Senators present.

The journal of yesterday was read.

Mr. Smith offered the following resolution:

Resolved, That so much of the message of the Governor, as relates to the payment of interest due on the State bonds, together with the memorial of the foreign holders of said bonds to the Senate and House of Representatives, be referred to the committee on ways and means, with instructions to report on the same.

Which was adopted.

Mr. Gaines, from the committee on ways and means, made the following report:

Mr. President,—The committee on ways and means, have had the bill of the House of Representatives, entitled "an act making appropriations to pay special judges of the circuit court," under consideration, and have instructed me to report it back to the Senate, with an additional section in the place of the 2d section of said bill, which is as follows, to-wit:

SEC. 2. *Be it further enacted*, That chapter 143 of the revised code, under the head of special judges, be, and the same is hereby repealed; and, that hereafter, when it shall become necessary for the Governor to appoint any special judge, to hold any special term of the circuit court in any county in this State, such judge shall be allowed the sum of forty dollars for each term of the court held by him when so appointed, and that such sum shall be paid by the treasurer on the auditor's warrant, out of any money in the treasury, not otherwise appropriated, and that section two, in said bill, be inserted and numbered section three.

All of which is respectfully submitted.

J F. GAINES, *Chairman.*

Which report was read and adopted.

The bill was then read a third time.

Mr. Ficklin offered the following amendment, by way of rider, to-wit: "strike out the second section of the bill." The question being put on the adoption of the amendment, it was carried, and the original bill passed and transmitted to the House of Representatives.

Mr. Gaines, from the committee on ways and means, made the following report:

Mr. President,—The committee of ways and means, have had the bill from the House of Representatives entitled "an act to change the collection of a poll tax from sixty years to forty-five years," under consideration, and have instructed me to report, that notwithstanding their reverence of age, and the apparent hardship of a poll tax, on men of the ages proposed to be relieved by this act from such a tax, they are aware of the necessity of this tax to support the internal revenues of many of the counties in this State, and having the confidence to believe, that the magnanimity and patriotism of the different county courts of this State, would forbid the levy of a poll tax on the citizens of their respective counties, unless the tax shall be called for by stern necessity. The committee have therefore instructed me to give it as their opinion, that the bill ought not to pass.

All of which, is respectfully submitted.

J. F. GAINES, *Chairman.*

The report was read.

The question being on the adoption of the report:

On this question, Mr. Smith called for the yeas and nays, which being ordered, were yeas 10, nays 11, as follows:

Yeas—Messrs. Clark, Gaines, Hudson, Maxwell, Mitchell, McKean, Neely, Pelham, Rose, and Trimble—10.

Nays—Messrs. Bean, Black, Ficklin, Gainer, Irvin, McCamy, Reyburn, Shaw, Smith, Walker and Mr. President—11.

So the report was not adopted.

The bill was then read a third time.

Mr. Ficklin moved to refer the bill and report to a select committee, which motion was lost.

Mr. Ficklin offered to amend, by way of a rider, as follows:

SEC. 1. *Be it enacted by the General Assembly of the State of Arkansas*, That from and after the taking effect of this act, the poll tax now authorized to be levied by law, shall be abolished.

SEC. 2. *Be it further enacted*, That this act take effect, from and after the first day of January next.

On the adoption of the amendment offered by Mr. Ficklin, Mr. Trimble called for the yeas and nays, which being ordered, were yeas 3, nays 18, as follows:

Yeas—Messrs. Ficklin, Irvin and Smith.

Nays—Messrs. Bean, Black, Clark, Gainer, Gaines, Hudson Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Rose, Shaw, Trimble, Walker, and Mr. President—18.

So the amendment was lost.

The question, "shall the bill pass," was then put:

Mr. Trimble called for the yeas and nays, which being ordered, were yeas 9, nays 12, as follows:

Yeas—Messrs. Bean, Black, Gainer, McCamy, Reyburn, Shaw, Smith, Walker, and Mr. President—9.

Nays—Messrs. Clark, Ficklin, Gaines, Hudson, Irvin, Maxwell, Mitchell, McKean, Neely, Pelham, Rose and Trimble—12.

So the bill was rejected.

Mr. Gaines, from the committee on ways and means, made the following report:

Mr. President,- The committee of ways and means have duly considered a bill from the House of Representatives, entitled "an act concerning the reports of the supreme court," and have instructed me to report, that the same is not expedient, and to recommend its rejection.

J. F. GAINES, *Chairman.*

Which report was adopted.

Mr. Trimble, from the select committee to whom was referred "an act to repeal an act authorizing a geological survey of the State of Arkansas," made the following report:

Mr President,—The select committee to whom was referred the act entitled an act to repeal the act authorizing a geological survey of the State of Arkansas, have had the same under consideration, and instruct me to report the same without any amendment, and to recommend that the same be passed.

WM. TRIMBLE, *Chairman*
select committee.

Which report was read and adopted.

The bill was then read a third time and passed, and transmitted to the House of Representatives, for their assent.

Mr. Rose, from the select committee to whom was referred a bill to be entitled "an act to change the mode of voting in this State, from voting *viva voce*, to voting by ballot," made the following report:

Mr. President,—The select committee to whom was referred a bill to be entitled "an act to change the mode of voting in this State, from voting *viva voce*, to voting by ballot," have had the same under consideration, and after due deliberation thereon, have instructed me to report a substitute, which is herewhith respectfully presented.

ROSE, *Chairman*
of select committee.

Which report and substitute were read.

On the adoption of the report and substitute accompanying it, Mr. Ficklin called for the yeas and nays.

On motion of Mr. Bean, the bill, report and substitute were laid on the table for the present.

Mr. Reyburn, from the select committee to whom was referred the resolution from the House, requiring the secretary of State to furnish Montgomery county with her proportionable part of the revised statutes, made the following report;

Mr. President,—The select committee to whom was referred the resolution from the House, instructing the secretary of State to furnish the county of Montgomery with her proportionable quantity of the revised statutes, have had the same under consideration, and ask leave to report the following as a substitute for the original resolution.

REYBURN, *Chairman.*

Resolved by the General Assembly of the State of Arkansas, That the county of Montgomery be furnished with the number of revised statutes, acts of the legislature and decisions of the supreme court, as she is entitled to by law; and that the secretary of State cause to be delivered to the clerk of the circuit court of said county of Montgomery, said revised statutes, acts and decisions as soon as practicable.

Which was read and adopted.

The substitute for the original resolution was then read a third time and passed.

Mr. Walker asked and obtained leave to introduce a bill to be entitled "an act declaring White river a navigable stream."

Which was read a first time, and ordered to a second reading on tomorrow.

The bill from the House to be entitled "an act to establish the county of Liberty," was read a third time.

Mr. Smith offered to amend by way of rider, as follows: "strike out the word "Liberty" wherever it occurs in the bill, and insert the word "Polk."

On the amendment, Mr. Maxwell moved the previous question, and called for the yeas and nays.

The question "shall the main question be now put?" was stated from the chair, and sustained by the Senate.

The yeas and nays were then ordered, on the adoption of the amendment, and were yeas 13, nays 9, as follows, to wit:

Yeas—Messrs. Black, Ficklin, Gainer, Gaines, Irvin, Maxwell, Neely, Reyburn, Rose, Shaw, Smith, Stell and Walker—13.

Nays—Messrs. Bean, Clark, Hudson, McCamy, Mitchell, McKean, Pelham, Trimble, and Mr. President—9.

So the amendment was adopted.

The bill as amended, was passed, and returned to the House of Representatives.

Peter G. Rives, Senator elect from the counties of Crittenden and Mississippi, appeared, presented his credentials, was duly qualified, and took his seat.

The bill to change the time of holding the circuit courts in the 4th judicial circuit, was read a third time and passed.

The bill to be entitled "an act to distribute the proceeds of the sales of the five hundred thousand acres of land donated to this State, to the several counties of this State, for the purpose of internal improvement within the same," was read a second time.

Mr. Gaines moved to refer it to a select committee of seven.

Which motion was lost.

On motion of Mr. Trimble, 100 copies were ordered to be printed.

Mr. Maxwell introduced to following preamble and resolutions:

Whereas, The people of the United States have at the late presidential election, repudiated Mr. Clay, and his whole brood of federal and anti-republican measures, and have declared themselves to be in favor of those wise and salutary measures, upon which the welfare and happiness of this great and growing republic depends. They have also, in the recent elections, spoke in a voice not to be misunderstood, that Texas, crowned with laurals won upon the battle field, shall receive the protection of our stars and stripes. They have indignantly spurned from their favor, those who would sacrifice the interests and happiness of this country, to propitiate abolition support and England's smiles, and have declared their determination to support those alone who stand up for their country, their whole country, and nothing but their country.

Therefore, be it resolved by the General Assembly of the State of Arkansas, That our Senators in Congress be instructed, and our Representative be requested to use their best efforts, and to support such measures as will most speedily bring about the consummation of the annexation of Texas into the union.

Be it further resolved, That it is the opinion of this General Assembly, that as the American people have by so large a majority declared themselves in favor of the annexation of Texas into the Union, that it is the duty of Congress to carry out the will of the people, and by this means preserve the great and distinguishing feature of our government, to wit: that the will of the people should be the law of the land.

Which were read a first time.

Mr. Smith moved that the rules be dispensed with, that the preamble and resolutions be read a second and third time, and passed.

Mr. Gainer moved that the rules be dispensed with, and the preamble and resolutions read a second time, and referred to a select committee.

Mr. Smith withdrew his motion, and the motion of Mr. Gainer prevailed, and the preamble and resolutions were read a second time, and referred to a select committee, consisting of Messrs. Gainer, Ficklin and Gaines.

On motion of Mr. Reyburn, Mr. Ficklin was added to the committee on the penitentiary.

Mr. Ficklin moved that the bill to be entitled "an act to change the mode of voting in this State, from voting *viva voce* to voting by ballot," be taken up.

Mr. Bean moved a call of the Senate.

The roll being called, the following Senators answered to their names, to wit:

Messrs. Bean, Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker and Mr. President —23.

Those Senators absent are Messrs. Newton and Yell.

The sergeant-at-arms was ordered to bring in the absent members.

He retired from the Senate chamber, and in a few minutes returned with Mr. Yell, and announced that Mr Newton could not be found.

Mr. Ficklin's motion to take up the bill, was carried.

Mr. Trimble moved to lay the bill on the table for the present.

Which motion was lost.

The substitute and the original bill were both read.

The question being on adopting the substitute of the committee, in lieu of the original bill of the House.

On this question, Mr. Ficklin called for the yeas and nays, which were ordered, and were yeas 12, nays 11, as follows:

Yeas—Messrs. Bean, Clark, Gainer, Gaines, Hudson, McCamy, Mitchell, Neely, Rose, Stell, Yell and Mr. President—12.

Nays—Messrs. Black, Ficklin, Irvin, Maxwell, McKean, Pelham, Reyburn, Shaw, Smith, Trimble and Walker—11.

So the substitute reported by the committee was adopted in lieu of the original bill from the House of Representatives.

Mr. Ficklin moved that the Senate adjourn.

On this motion Mr. Gainer called for the yeas and nays, which being ordered, were yeas 12, nays 12, as follows:

Yeas—Messrs. Black, Ficklin, Irvin, Maxwell, McKean, Pelham, Reyburn, Rives, Shaw, Smith, Stell and Walker—12.

Nays—Messrs. Bean, Clark, Gainer, Gaines, Hudson, McCamy, Mitchell, Neely, Rose, Trimble, Yell and Mr. President—12.

So the resolution to adjourn was lost.

Mr. Walker offered the following amendment to the 7th section of the bill, by way of rider, to come in at the last of said section:

"And that the judge receiving the tickets shall number them, from one upwards as received, before depositing them in the ballot box."

On the adoption of the amendment offered by Mr. Walker, Mr. Gaines called for the yeas and nays, which being ordered, were yeas 12, nays 12, as follows:

Yeas—Messrs. Black, Ficklin, Gaines, Irvin, Maxwell, McCamy, McKean, Pelham, Reyburn, Shaw, Smith and Walker—12.

Nays—Messrs. Bean, Clark, Gainer, Hudson, Mitchell, Neely, Rives, Rose, Stell, Trimble, Yell and Mr. President—12.

So the amendment was rejected

Mr. Gaines offered as an amendment to the bill, the following section by way of rider, to wit:

SEC. *And be it further enacted*, That if any clerk of any court in this State whose duty it shall be to make out returns of any election and certify the same to the proper county or to the Governor, Speaker of the House of Representatives, or Secretary of State, shall fail to make out within the time prescribed by law, such certificate, and transmit the same to the proper officer, that the said defaulting clerk shall, in addition to the penalty now prescribed by law, be subject to a fine of not less than one hundred nor more than five hundred dollars for such defalcation, which shall be recovered by indictment before the circuit court of the county in which the defaulting clerk shall live: and if it shall appear on the trial that such clerk withheld such returns in order to change the result of the election in any way, then said clerk shall upon conviction of such offence, be sentenced to the jail and penitentiary house of this State, for a period of not less than one nor more than five years.

Which was read.

Mr. Smith moved that the Senate adjourn, and called for the yeas and nays on his motion, which being ordered, were yeas 9, nays 15, as follows:

Yeas—Messrs. Bean, Black, Clark, McKean, Pelham, Reyburn, Rives, Shaw and Smith—9.

Nays—Messrs. Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, Neely, Rose, Stell, Trimble, Walker, Yell and Mr. President—15.

So the motion to adjourn was lost.

The question was then taken on the amendment offereu by Mr. Gaines. and it was lost.

Mr. Smith proposed to amend the bill by way of rider, by adding thereto the following section:

Be it further enacted, That the name of each voter be written in a legible hand on the back of each ticket.

Mr. Gaines offered to amend the amendment offered by Mr. Smith, "by swearing the judges and clerks to secrecy, as to names, unless it shall be necessary in cases of contested elections."

Which was accepted by Mr. Smith.

Mr. Gaines called for the yeas and nays on the adoption of the amendment, which were ordered, and were yeas 11, nays 13, as follows:

Yeas—Messrs. Black, Ficklin, Gaines. Irvin, Maxwell, McKean, Pelham, Reyburn, Shaw, Smith and Walker—11.

Nays—Messrs. Bean, Clark, Gainer, Hudson, McCamy, Mitchell, Neely, Rives, Rose, Stell, Trimble, Yell and Mr. President—13.

So the amendment offered by Mr. Smith, was lost.

Mr. Maxwell moved that the Senate adjourn, but at the suggestion of Mr. Ficklin, withdrew his motion.

Mr. Ficklin moved the question be taken on the final passage of the bill, and called for the yeas and nays on his motion, which being ordered, were yeas 12, nays 12, as follows:

Yeas—Messrs. Bean, Clark, Gainer, Hudson, McCamy, Mitchell, Neely, Rose, Stell, Trimble, Yell and Mr. President—12.

Nays—Messrs. Black, Ficklin, Gaines, Irvin, Maxwell, McKean, Pelham, Reyburn, Rives, Shaw, Smith and Walker—12.

So the bill was lost.

The following message was received this morning from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have assented to the resolution of the Senate remonstrating against the distribution of the proceeds arising from sale the of the public lands.

Which is herewith returned.

On motion of Mr. Ficklin, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

WEDNESDAY, *November 27th*, 1844.

The Senate met persuant to adjournment.

The President having ordered a call of the Senate, it appeared that there were seventeen Senators present.

The Journal of yesterday was read.

On motion of Mr. Trimble, Mr. McKean was added to the committee of five appointed on the resolution introduced by Mr. Gaines, to inquire into the conduct of the late bank visitor, and the conduct of the executive and financial receivers of the State bank and branches.

On motion of Mr. McCamy, Mr. Gainer was added to the committee on banks.

On motion of Mr. Bean, Mr. Trimble was added to the committee on auditor and treasurer's books.

Mr. Trimble introduced the following resolution:

Resolved, That so much of the Governor's message as relates to the penitentiary, be referred to the committee on the penitentiary; and that so much of the same message as refers to taxation, be referred to the committee of ways and means.

Which was adopted.

Mr. McCamy, from the committee on education, made the following report:

"The committee on education has had under consideration a bill entitled an act to repeal the 42d section of an act entlitled an act to establish a system of common schools in the State of Arkansas, approved the 3d of February, 1843, have had the same under consideration, and has instructed me to report the same without amendment, and recommend the passage of the bill. McCAMY, *Chairman.*"

Which was adopted; and the bill being read a third time, Mr. Maxwell called for the yeas and nays on its final passage; which being ordered, were yeas 12, nays 11, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Irvin, McCamy, Mitchell, McKean, Neely, Pelham, Stell, and Trimble—12.

Nays—Messrs. Clark, Gaines, Hudson, Maxwell, Reyburn, Rives, Rose, Shaw, Smith, Walker, and Mr. President—11.

So the bill was passed, and transmitted to the House of Representatives for their assent.

Mr. Gaines, from the committee on ways and means, made the following report:

Mr. President—The committee of ways and means have thought proper to instruct me to report the following bills for the consideration of the Senate, viz: an act to reduce the number of copies to be published of the reports of the supreme court; also, an act authorizing the burning certain State bonds; also, an act to repeal the 143d chapter of the revised code. All of which is respectfully submitted.

J. F. GAINES, *Chairman.*

The bill to be entitled an act to reduce the number of copies to be published of the reports of the supreme court, was read a first time, and ordered to a second reading on to-morrow.

The bill to be entitled an act autorizing the burning certain State bonds, was read a first time, and ordered to a 2d reading on to-morrow.

The bill to be entitled an act to repeal chapter 143 of the revised statutes, under the head of special judges, was read a first time, and ordered to a second reading on to-morrow.

Mr. Irvin introduced the following resolution:

Be it resolved, by the General Assembly of the State of Arkansas, That both Houses proceed to the election of a board of education, also for a judge of the first judicial circuit, on to-morrow at 11 o'clock.

Which was read a first time; and, on motion of Mr. Smith, the rules were dispensed with, and the resolution read a second time.

Mr. Neely moved to strike out of the 3d and 4th lines of the resolution, the words "*also for a judge of the first judicial circuit,*" and called for the yeas and nays; which being ordered, were yeas 10, nays 14, as follows:

Yeas—Messrs. Bean, Clark, Gaines, Mitchell, McKean, Neely, Stell, Trimble, Yell, and Mr. President—10.

Nays—Messrs. Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Pelham, Reyburn, Rose, Rives, Shaw, Smith and Walker —14. So the motion to strike out was lost.

Mr. Smith moved that the rules be dispensed with, and the resolution read a thrd time.

Mr. Trimble moved to refer the resolution to a select committee, and called for the yeas and nays, which being ordered, were yeas 13, nays 10, as follows:

Yeas—Messrs. Bean, Clark, Gaines. Mitchell, McKean, Neely, Reyburn. Rives, Rose, Stell. Trimble, Yell. and Mr. President—13.

Nays—Messrs. Black, Ficklin. Gainer, Irvin, Maxwell, McCamy, Pelham, Shaw, Smith, and Walker—10.

So the motion to refer was sustained; and Messrs. Trimble, Neely, and Smith appointed said committee.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have examined a resolution remonstrating against the passage of any law authorizing the sale and division of the public lands, and have instructed me to report the same correctly enrolled.

MITCHELL, *Chairman.*

Mr. Irvin, from the select committee to whom was referred the petition of Darby Pentecost, a citizen of Phillips county, praying relief, made the following report:

Mr. President—The committee to whom was referred the petition of Darby Pentecost, a citizen of Phillips county, upon the subject matter of the State refunding to said petitioner the sum of five hundred dollars, which was collected of said petitioner for the privilege of keeping a billiard table in the county of Phillips, within this State, have authorized me to report, that the State of Arkansas be, and she is hereby, requested to refund to said Darby Pentecost, the petitioner in this case, the said sum of five hundred dollars, which was by said State wrongfully received; and further authorized me to report the following bill.

MILLER IRVIN, *Chairman.*

Which report was read and adopted; and the bill accompanying said report, entitled an act for the relief of Darby Pentecost, being read the first time, Mr. Irvin moved to dispense with the rules, and read the bill a second time; which motion was lost, and the bill was ordered to a second reading on to-morrow.

The bill to be entitled an act declaring White river a navigable stream, was read a 2d time, and ordered to a 3d reading on to-morrow.

On motion of Mr. McCamy, the resolutions to amend the constitution of the State of Arkansas, were taken up.

On motion of Mr. Gaines, the Senate resolved itself into committee of the whole on the resolutions to amend the constitution of the State of Arkansas; Mr. Bean in the chair.

The committee of the whole rose and reported the resolutions to amend the constitution of the State of Arkansas back to the Senate, with sundry amendments.

On motion of Mr. Ficklin, the Senate concurred in the amendment to the 3d article of the committee of the whole.

The amendment made by the committee to the 1st section of the 4th article was, on motion of Mr. Ficklin, concurred in.

Mr. Trimble moved to strike out the 4th article, and called for the yeas and nays on his motion; which being ordered, were yeas 7, nays 16, as follows:

Yeas—Messrs. Clark, Gainer, McKean, Neely, Rives, Stell, and Trimble—7.

Nays—Messrs. Bean, Black, Ficklin, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, Pelham, Reyburn, Rose, Shaw, Smith, Walker, and Mr. President—16.

So the motion to strike out was lost.

The amendment made by the committee to the 2d section of the 4th article was, on motion of Mr. Ficklin, concurred in.

Also, the amendment made by the committee to the 5th article was, on motion of Mr. Ficklin, concurred in.

On motion of Mr. Gaines, the section at the bottom of the 5th article, was made the second section of the 1st article.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorably body, that the House of Representatives have assented to the amendment of the Senate to the bill of the House entitled an act to establish the county of Liberty, changing the name to Polk.

The amendment adopted by the committee of the whole to the 2d section of the 1st article, in the 4th line, was, on motion of Mr. Ficklin, concurred in.

Mr. Ficklin moved to reject the amendment of the committee to the 1st line of the second section of the first article, which was lost.

On motion of Mr. Ficklin, the resolutions were laid on the table until to-morrow.

On motion of Mr. Ficklin, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

Thursday, *November 28th*, 1844.

The Senate met persuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were seventeen Senators present.

The journal of yesterday was read.

Mr. Black introduced the following resolution:

Resolved, That so much of the Governor's message as relates to banks, be referred to the committe on banks.

Which was adopted.

Mr. Maxwell gave notice that, on to-morrow, he would introduce a bill to be entitled "an act for the relief of Milton Sanders, late sheriff of White county."

Mr. Clark gave notice that, on to-morrow, he would ask leave to introduce a bill to be entitled "an act for the protection of levees constructed along the banks of rivers and other water courses in this State."

Mr. Gainer, from the select committee to whom was referred a preamble and resolution introduced by Mr. Maxwell, made the following report:

Mr. President—The select committee to whom the preamble and resolutions of Mr. Maxwell were referred, have had the same under consideration, and have instructed me to report the accompanying resolutions as a substitute. And the committee ask to be excused from the further consideration of the subject.

All of which is respectfully submitted.

J. C. GAINER, *Chairman.*

Resolved, By the General Assembly of the State of Arkansas, That the re-annexation of Texas to the United States is a measure of great national importance, and vitally interesting to the people of Arkansas.

Resolved, That our Senators and our Representative in Congress be, and they are hereby, instructed and requested, to use every honorable exertion in their power in behalf of the re-annexation of Texas to the American Union, and to place her on equal ground and equal with privileges of the other new States of the confederacy.

Resolved, That we regard the constitutional objections which have heretofore been urged, by the enemies of this measure, as settled and no longer debateable; and the reasons in favor of that great American measure, greatly increased by the triumphant election of James K. Polk, the great champion of the measure, to the Presidency of the United States.

The substitute being read, Mr. Ficklin called for the yeas and nays on its adoption in lieu of the original; which being ordered, were yeas 21, nays 1, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker, and Mr. President—20.

The Senator who voted in the negative, is Mr. Clark.

So the substitute was adopted in lieu of the original.

The resolutions were then read a third time, and passed.

Mr. Trimble asked and obtained leave of absence for Mr. Hudson, on account of illness.

Mr. Bean asked and obtained leave of absence for Mr. Yell.

Mr Maxwell asked and obtained leave of absence for Mr. Irvin.

Mr. Trimble, from the majority of the select committee to whom was referred the resolution introduced on yesterday by Mr. Irvin, to go into the election of a board of education, and judge of the first judicial circuit, made the following report:

Mr. President—The select committee to whom was referred the resolution to go into an election of a board of education, and judge of he first judicial circuit, have had the same under consideration, and a majority of said committee ask leave to report, that they are of opinion that there is no vacancy in said circuit, and that, therefore, the General Assembly cannot go into an election for a judge of said circuit at this time. And they are further of opinion, that it would be more convenient to elect a board of education when the two Houses elect the auditor and treasurer.

It is therefore recommended to lay the resolution on the table until the 4th day of March next. WM. TRIMBLE, *Chairman.*

Mr. Smith, from the minority of the same committee, made the following report:

Mr. President—The undersigned, the minority of the select committee to whom was referred the resolution to go into an election of a board of education and judge of the first judicial circuit, has had the same under consideration, and recommends to the Senate the passage of the resolution. All which is most respectfully submitted.

H. SMITH.

After the reading of the report, Mr. Neely called for the yeas and nays on the adoption of the majority report, which being ordered, were yeas 14, nays 7, as follows:

Yeas—Messrs. Bean, Clark, Gainer, Gaines, Mitchell, McKean, Neely, Reyburn, Rives, Rose, Shaw, Stell, Trimble, and Mr. President—14.

Nays—Messrs. Black, Ficklin, Maxwell, McCamy, Pelham, Smith, and Walker—7.

So the majority report was adopted, and the resolution thereby laid on the table until the fourth day of July next.

Mr. Walker, from the select committee to whom was referred the bill of the House entitled "an act for the relief of James Jackson, coroner of Benton county," made the following report:

Mr. President—The committee to whom was referred a bill to be entitled "an act for the relief of James Jackson, coroner of Benton county," has had the same under consideration, and ask leave to report the same without amendment.

J. G. WALKER, *Chairman.*

The bill accompanying the report, entitled "an act for the relief of James Jackson, coroner of Benton county," was then read a third time and passed.

Mr. Ficklin, from the select committee to whom was referred a bill to repeal the road law of 1843, made the following report:

Mr. President—The select committee to whom was referred a bill to repeal the road law of 1843, and a bill as a substitute for said bill, have had the same under consideration, and have instructed me to report the bill to repeal the road law of 1843 without amendment, and recommend its passage by the Senate.

FICKLIN, *Chairman.*

Which report was adopted.

The bill to be entitled "an act to repeal an act approved the 3d day of February, 1843, relating to public roads and the overseers thereon," was read a third time, and passed.

Mr. Ficklin, from the select committee of seven, made the following report:

Mr. President—The select committee of seven, to whom was referred the following bills, to wit: a bill to be entitled an act to change the time of stay on execution; a bill to be entitled an act to regulate the sale of property on execution; and a bill from the House of Representatives to be entitled an act to reduce the rate of interest, and to prevent persons from involving themselves in debt: have had the same under consideration, and have instructed me to report the bill from the House as above referred to, and recommend its passage by the Senate, without amendment. FICKLIN, *Chairman of committee of seven.*

The bill to be entitled "an act to reduce the rate of interest, and prevent persons from involving themselves in debt," accompanying the above report, was read a third time.

On the final passage of the bill, Mr. Ficklin called for the yeas and nays; but, before the question was put, it was, on motion of Mr. Trimble, laid on the table for the present.

On motion of Mr. Bean, Mr. Smith was excused from serving on the committee on auditor's and treasurer's books.

On motion of Mr. Maxwell, Mr. Rives was added to the committee on internal improvements.

On motion of Mr. Black, Mr. Rives was added to the committee on education.

Mr. Bean asked and obtained leave to introduce a bill to be entitled "an act supplementary to an act approved the 3d day of February, 1843, to establish a system of common schools in the State of Arkansas," which was read a first time, and ordered to a second reading on to-morrow.

Mr. Trimble asked and obtained leave to introduce a bill to be entitled "an act prescribing forms for justices of the peace in criminal cases," which was read a first time.

On motion of Mr. Trimble, the rules were dispensed with, and the bill read a second time; and, on motion of Mr. Neely, the bill was referred to the committee on the judiciary.

Mr. Rose asked and obtained leave to introduce a bill to be entitled "an act to prescribe and fix the time of holding the circuit courts in the seventh judicial circuit," which was read a first time and ordered to a second reading on to-morrow.

Mr. Mitchell, from the commiitee on enrolled bills, made the following report:

Mr. President—The committee on enrollments have this day handed to the Governor for his approval a resolution remonstrating against the law authorizing the sale and division of the proceeds of the public lands. MITCHELL, *Chairman.*

Mr. Trimble asked and obtained leave to introduce a bill to be entitled "an act granting to the widow of Gilbert Barden certain property," which was read a first time; and, on motion of Mr. Trimble, the rules were dispensed with, the bill read a second time, and referred to the committee on education.

Mr. Walker gave notice that, on to-morrow, he would introduce a bill, authorizing Miller Irvin, as administrator of the estates of John J. Powell, Nicholas Rightor, William S. Woods, and Arnold Fisher, to sell certain lands situated in this State.

On motion of Mr. Black, the orders of the day were taken up.

The bill to be entitled "an act for the relief Darby Pentecost," was taken up, and read a second time.

Mr. Gainer moved to lay the bill on the table for the present; pending which, on motion of Mr. Smith, it was referred to the committee on the judiciary.

The bill to be entitled "an act declaring White river a navigable stream," was read a third time, and passed.

The bill to be entitled "an act to repeal chapter 143 of the revised statutes, under the head of special judges," was read a second time, and ordered to a third reading on to-morrow.

The bill to be entitled "an act authorizing the burning certain State bonds, was read a second time; and, on motion of Mr. Gaines, referred to the committee on ways and means.

The bill to be entitled "an act to reduce the number of copies to be printed of the reports of the supreme court," was read a second time, and, on motion of Mr. Gaines, referred to the committee on the judiciary.

On motion of Mr. Ficklin, the Senate dspensed with taking up the resolutions to amend the constitution of the State of Arkansas, for to-day.

On motion of Mr. Reyburn, the Senate adjourned.

JOHN WILLIAMSON, *President.*
of the Senate.

Friday, *November 29th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were eighteen Senators present in their seats.

The journal of yesterday was read.

Mr. Irvin, from the select committee, to whom was referred the several bills, "defining the mode of collecting the revenue of this State," made the following minority report:

Mr. President,—The undersigned being one of the committee to whom was referred a bill defining the mode of collecting the revenue of this State, authorized the undersigned, chairman of such committee to report by bill, as a substitute the bill hereto appended for the original bill, and as per report of such committee shewing.

Whereupon, Mr. Gaines submitted a bill entitled "an act regulating the laws concerning State and county revenue," as a substitute for the substitute of the bill reported, by said committee, and on a motion, the vote of the Senate was taken on the adoption of the substitute introduced by Mr. Gaines, which was not adopted.

Whereupon, on a motion, the vote was taken on the adoption of the bill reported by said committee, and the same was adopted by the Senate.

Wherefore, on motion of Mr. Smith, the several bills were referred to a second select committee, which was composed of Smith, Shaw, Hudson, Gaines, and the undersigned: and whereas, the undersigned being one of the said second select committee, having dissented from the majority report of the last mentioned premises, would most respectfully submit for the consideration of your honorable body, the adoption of the bill hereunto appended, instead of the bill introduced by Mr. Gaines in manner aforesaid, and of which a majority of the last mentioned committee have reported favorable thereto.

The undersigned would most respectfully submit as his reasons of dissension in the premises, the following, to-wit: Because, the bill introduced by Mr. Gaines as a substitute of the substitute, and the original, have lost sight of the main features of the original bill. Again, there is surplusage, uncertainty, and security over adequate, with addition of labor on the part of officers, who, under existing laws, do not receive more than half compensation for many services required: for the evidence of this, you need but refer to the bill of Mr. Gaines, tendered for your adoption and sanction.

With due respect, the foregoing is submitted by

M. IRVIN.

The report of Mr. Irvin, the substitute accompanying it; and the substitute accompanying the majority report, were read, and on motion of Mr. Maxwell, referred to a select committee, consisting, at the suggestion of Mr. McCamy, of seven, to-wit: Messrs. Maxwell, Gaines, Black, Irvin, Pelham, Walker and Rives.

Mr. Gaines, from the committee on ways and means, to whom was referred a bill to be entitled "an act authorizing the burning certain State bonds," made the following report:

Mr. President,—The committee of ways and means to whom was referred the bill entitled "an act authorizing the burning certain State bonds, have considered the same, and requested me to report the following as a substitute.

All of which is respectfully submitted.

J. F. GAINES, *Chairman.*

The bill accompanying the report as a substitute, was read, and on motion of Mr. Black, referred to the committee on banks.

Mr. Walker introduced a bill to be entitled "an act authorizing

Miller Irvin, administrator of the estates of John J. Powell, Nicholas Rightor, Arnold Fisher, and William J. Woods, to sell and dispose of the real estate belonging to said estates."

Which was read a first time, and ordered to a second reading, on to-morrow.

Mr. Clark introduced a bill to be entitled "an act for the protection of levees constructed along the banks of rivers and other water courses in this State," which was read a first time, and ordered to a second reading, on to-morrow.

Mr. Maxwell introduced a bill to be entitled "an act for the relief of Milton Sanders, late sheriff of White county," which was read a first time.

On motion of Mr. Maxwell, the rules were dispensed with, and the bill read a second time, and on the further motion of Mr. Maxwell, the rules were again dispensed with, the bill read a third time and passed.

Mr. Trimble asked and obtained leave to introduce a bill to be entitled "an act to authorize the administrator of the estate of Benjamin Patton, deceased, to sell the real estate of said deceased."

Which was read a first time, and ordered to a second reading, on to-morrow.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed "an act to change the name of Elijah Smith Parrott."

Also, "an act for the relief of Samuel Adams, late Governor of the State of Arkansas."

Also, "an act making penal the obliteration of the poll books of elections."

And also, "an act to incorporate the Far West Seminary."

All of which are herewith transmitted for the assent of the Senate.

On motion of Mr. Bean, the message was taken up.

The bill from the House entitled "an act to change the name of Elijah Smith Parrott, to that of William Elijah Smith Parrott," was read a first time.

On motion of Mr. Neely, the rules were dispensed with, and the bill read a second time, and on the further motion of Mr. Neely, the rules were again dispensed with; the bill read a third time and passed.

The bill from the House, entitled "an act for the relief of Samuel Adams, late Governor of the State of Arkansas," was read a first time.

On motion of Mr. Black, the rules of the Senate were dispensed with, and the bill read a second time, and on motion of Mr. Black, referred to the committee on ways and means.

The bill from the House entitled "an act making penal the obliteration of the poll books of elections," was read a first time, and ordered to a second reading on to-morrow.

The bill from the House entitled "an act to incorporate the Far West Seminary," was read a first time.

On motion of Mr. Bean, the rules were dispensed with, and the bill read a second time.

Mr. Bean moved to dispense with the rules, and have the bill read a third time and passed.

Mr. Black moved to refer the bill to the committee on education, but at the suggestion of Mr. Bean, withdrew his motion.

Mr. McCamy moved to dispense with the rules, and have the bill read a third time, which motion was sustained.

The bill was then read a third time and passed.

On motion of Mr. Walker, the resolutions to amend the constitution of the State of Arkansas, were taken up for their first reading.

The first section of the first article being read, Mr. Pelham moved to amend it as follows, insert in the first line after the words "supreme court," "which shall consist of one chief justice and two associate justices."

Which amendment was adopted.

Mr. Trimble moved to refer the resolutions to a select committee.

Mr. Black, moved to refer to the same select committee that reported them, but at the suggestion of Mr. Ficklin, withdrew his motion.

The question was then taken on Mr. Trimble's motion, and it was lost.

Mr. Gaines moved to strike out "justices," at the end of Mr. Pelham's amendment, and insert "judges," which motion prevailed.

The question was then taken on the adoption of the first section of the first article, as amended, and it was adopted by the following vote:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Walker, Yell and Mr. President—20.

Nays—Messrs. Clark, Newton and Trimble—3.

The second section of the first article was read and adopted by the following vote tc-wit:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Reyburn, Rives, Rose, Shaw, Stell, Walker and Mr. President—19.

Nays—Messrs. Clark, Newton, Pelham and Trimble—4.

The second article was then read and adopted by the following vote, to-wit:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Walker and Mr. President—19.

Nays—Messrs. Clark, Hudson, Newton and Trimble—4.

The third article was then read and adopted by the following vote, to-wit:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Trimble, Walker and Mr. President—21.

Nays—Messrs. Clark and McKean—2.

The first section of the fourth article, was read and adopted by the following vote, to-wit:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, Neely, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Walker and Mr. President—19.

Nays—Messrs. Clark, McKean, Newton and Trimble—4.

The second section of the fourth article being read, Mr. Gainer offered the following amendment, to come in at the last of the section:

"Provided, that each county shall have one representative, although its population may not give the ratio now established."

The question being taken on the adoption of the amendment, it was adopted by the following vote:

Yeas—Messrs. Clark, Gainer, Hudson, Irvin, McKean, Neely, Newton, Reyburn, Rives, Shaw, Stell, Trimble and Mr. President—13.

Nays—Messrs. Bean, Black, Ficklin, Gaines, Maxwell, McCamy, Mitchell, Pelham, Rose and Walker—10.

The question was then taken on the adoption of the second section of the fourth article, as amended, and the following is the vote, to-wit:

Yeas—Messrs. Gainer, Gaines, Hudson, Irvin, Maxwell, McKean, Neely, Newton, Reyburn, Rives, Shaw, Stell, and Mr. President—13.

Nays—Messrs. Bean, Black, Clark, Ficklin, McCamy, Mitchell, Pelham, Rose, Trimble and Walker—10.

So the section was lost, two thirds of the Senators refusing to vote for its adoption.

The fifth article was read and adopted by the following vote, to-wit:

Yeas—Messrs. Bean, Black, Ficklin, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Walker and Mr. President—19.

Nays—Messrs. Clark, Gainer, McKean and Trimble—4.

On motion of Mr. Gainer, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

SATURDAY, *November* 30*th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate; the roll being called, it appeared that there were seventeen Senators present.

The journal of yesterday was read.

The bill from the House, entitled "an act making penal the obliteration of the poll books of elections," was read a second time.

Mr. Trimble offered to amend the 9th line of the first section, by inserting after the word "steal," the word "destroy," which amendment was adopted.

On motion of Mr. Ficklin, the bill was referred to a select committee, consisting of Messrs. Ficklin, McKean and Pelham.

On motion of Mr. Ficklin, leave of absence was granted to Mr. Reyburn, until Wednesday next.

The bill to be entitled "an act to authorize Miller Irvin, administrator of the estates of John J. Powell, Nicholas Rightor, Arnold Fisher and William J. Woods to sell and dispose of the real estate which belongs to said estates," was read a second time, and on motion of Mr. Irvin, referred to a select committee, consisting of Messrs. Walker, Shaw and Mitchell.

The bill to be entitled "an act for the protection of levees, constructed along the banks of rivers and other water courses in this State," was read a second time, and ordered to a third reading on Monday next.

The bill to be entitled "an act to authorize the administrator of Benjamin Patton, deceased to sell the real estate of said deceased," was read a second time, and on motion of Mr. Trimble, referred to a select committee, consisting of Messrs. Trimble, Neely and Gainer.

The bill to be entitled "an act to repeal the 143 chapter of the revised statutes under the head of special judges," read a third time and passed.

The bill to be entitled "an act supplementary to an act, approved the 3d day of Feburary, 1843, to establish a system of common schools in the State of Arkansas," was read a second time, and on motion of Mr. Clark, referred to a select committee consisting of Messrs. Clark, Bean and Irvin.

The bill to be entitled "an act to prescribe and fix the time of holding the circuit courts in the seventh judicial circuit," was read a second time, and on motion of Mr. Gaines, laid on the table for the present.

Mr. McCamy asked and obtained leave to introduce a bill to be entitled "an act to change the time of holding the elections in this State."

Which was read a first time, and ordered to a second reading on Monday next.

Mr. Black from the select committee to whom was referred the resolutions introduced by Mr. Gaines in relation to the 16th sections, made the following report:

The select committee to whom was referred the resolution instructing our Senators and requesting our Representative in Congress to urge the passage of a law to relocate the 16th section or a part thereof, have had the same under consideration, and instructs me to report the within as a substitute.

BLACK, *Chairman.*

The substitute was read and adopted in lieu of the original.

The resolution was then read a third time and passed.

Mr. Gainer asked and obtained leave to introduce a bill to be entitled "an act declaring Little Red river navigable."

Which was read a first time, and ordered to a second reading on Monday next.

Mr. McCamy asked and obtained leave to introduce a bill to be entitled "an act to better designate the line between the counties of Crawford and Washington."

Which was read a first time, and ordered to a second reading on Monday next.

On motion of Mr. Ficklin, the bill from the House entitled "an act to reduce the rate of interest and to prevent citizens of this State from involving themselves in debt," was taken up and read a third time.

On motion of Mr. Trimble, the bill was referred to a select committee, consisting of Messrs. Trimble, Neely and McCamy.

The bill to be entitled "an act to distribute the proceeds of the sale of the five hundred thousand acres donated to this State to the several counties of the State for the purpose of internal improvements within the same," was, on motion of Mr. Ficklin, taken up and read a third time.

Mr. Gaines offered to amend the first section by striking out all after the words "according to," in the 4th line, and insert, "the area of square miles in each county," and called for the yeas and nays, which being ordered, were yeas 11, nays 12, as follows:

Yeas—Messrs. Clark, Gainer, Gaines, Hudson, Irvin, Maxwell, McKean, Newton, Rives, Shaw and Stell—11.

Nays—Messrs. Bean, Black, Ficklin, McCamy, Mitchell, Neely, Pelham, Rose, Trimble, Walker, Yell and Mr. President—12.

So the amendment was rejected.

On motion of Mr. Maxwell, the bill was referred to a select committee of seven, one from each judicial circuit, to wit: Messrs. Maxwell, McCamy, Trimble, Neely, Ficklin, Rose and Newton.

On motion of Mr. Yell, Mr. Clark was added to the committee; and on motion of Mr. Gaines, Mr. Stell was added to the same committee.

On motion of Mr. Irvin, the report of the commissioner appointed to run the northern boundry line of this State, appended to the message of his excellency, Thomas S. Drew, was referred to a select committee, consisting of Messrs. Irvin, Yell and Pelham.

On motion of Mr. Walker, Mr. Black was added to the said committee.

On motion of Mr. Walker, the resolutions to amend the constitution of the State of Arkansas, were taken up for a second reading.

Mr. Rives moved that the Senate adjourn.

On which motion Mr Walker called for the yeas and nays, which being ordered, were yeas 7, nays 17, as follows:

Yeas—Messrs. Irvin, McKean, Neely, Pelham, Rives, Shaw and Smith—7.

Nays—Messrs. Bean, Black, Clark, Ficklin, Gainer, Gaines, Hudson, Maxwell, McCamy, Mitchell, Newton, Rose, Stell, Trimble, Walker, Yell and Mr. President—17.

So the motion to adjourn was lost.

Mr. McKean moved that the Senate adjourn.

Which motion was lost.

The first section of the first article of the amendments to the constitution was read and adopted, by the following vote, to wit:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Rives, Rose, Shaw, Smith, Stell, Walker, Yell and Mr. President—21.

Nays—Messrs. Clark, Newton and Trimble—3.

The second section of the first article was read.

Mr. Smith moved a reconsideration of the vote taken on the first section of the first article.

Mr. Rose offered to amend the second section of the first article, by striking out all the section, after the word "and," in the 3d line, and insert, "shall hold courts alternately for each other in such rotary order as the General Assembly may direct."

Mr. Newton moved to lay the resolutions together with the amendments offered by Mr. Rose, on the table until Tuesday next.

Which motion prevailed.

On motion of Mr. McCamy, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

MONDAY, *December 2d,* 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate.

The roll being called, it appeared that there were seventeen Senators present.

The journal of Saturday was read.

The bill to be entitled "an act to declare Little Red river navigable," was read a second time, and ordered to a third reading on to-morrow.

The bill to be entitled "an act to change the time of holding the elections in this State," was read a second time.

Mr. Gaines moved to refer the bill to the committee on the judiciary.

On motion of Mr. Trimble, the bill was referred to a select committee, consisting of Messrs. Gaines, Shaw and Pelham.

On motion of Mr. Black, Mr. McCamy was added to said committee.

The bill to be entitled "an act to better designate the lines between the counties of Crawford and Washington," was read a second time.

Mr. Bean moved to dispense with the rules, that the bill be read a third time and passed.

On motion of Mr. Black, the bill was referred to the committee on counties and county lines.

The bill to be entitled "an act for the protection of levees constructed along the banks of rivers and other water courses," was read a third time and passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed "an act to call in the scrip of Washington county."

Also, "an act to incorporate the Spring Hill female academy."

Also, "an act to amend the law concerning the lien of mechanics."

And also, "an act to amend an act to prohibit the emigration and settlement of free negroes or free persons of color into this State, approved the 20th Jan., 1843."

All of which are herewith transmitted for the assent of the Senate.

The House have also passed a resolution instructing our Senators and requesting our Representative to use their influence with the Post Master General of the United States, to have the mail carried from Little Rock to Fulton on Red river, tri-weekly in four horse coaches.

Which is herewith transmitted for the assent of your honorable body.

The message was taken up and read.

The bill from the House entitled "an act to call in the scrip of Washington county," was read a first time, and ordered to a second reading on to-morrow.

The bill from the House entitled "an act to incorporate the Spring Hill female academy," was read a first time.

On motion of Mr. Newton, the rules were dispensed with, and the bill read a second time; and on the further motion of Mr. Newton, the rules were again dispensed with, and the bill read a third time and passed.

The bill from the House entitled "an act to amend the law concerning the lien of mechanics," was read a first time, and ordered to a second reading on to-morrow.

The bill from the House entitled "an act to amend an act entitled an act to prohibit the emigration and settlement of free negroes or free persons of color into this State, approved 20th January, 1843," was read a first time and ordered to a second reading on to-morrow.

The resolution from the House instructing our Senators in Congress and requesting our Representative to use their influence with the Post Master General of the United States to have the mail carried from Little Rock to Fulton on Red river, tri-weekly in four horse coaches," was read a first time, and ordered to a second reading on to-morrow.

Mr. Rives give notice that on Thursday next he would introduce a bill for the redemption of real estate, sold under execution, deeds of trust, &c.

Mr. Trimble from a select committee made the following report:

Mr. President—The select committee to whom was referred the bill to be entitled "an act to authorize the administrator of Benjamin Patten, deceased, to sell the lands of said deceased," have had the same under consideration, and instruct me to report the bill without any amendment, and that the same be passed.

WM. TRIMBLE, *Chairman of S. C.*

The bill to be entitled "an act to authorize the administrator of Benjamin Patten, deceased, to sell the real estate of said deceased," accompanying the above report, was a third time and passed.

Mr. Newton introduced the following resolution:

Resolved, That so much of the Governor's message of the 20th of November, as relates to the disposition and sale of the 500,000 acre donation, and so much as relates to a system of internal improvement, be, and the same is hereby referred to the standing committee on internal improvement, with instructions to enquire,

1st. Into the propriety and expediency of reducing the price of those lands to $1 25 per acre:

2d. Into the propriety and expediency of reducing the minimum quantity which may be sold to any one individual, to at least forty acres.

3d. Into the propriety and expediency of adopting cash payments in place of the present credit, in the sale of said lands.

4th. Into the propriety and expediency of allowing pre-emption rights to actual settlers, on any of said lands.

5th. Into the propriety and expediency of establishing at this time a board of internal improvement.

And that said committee report by bill, or otherwise.

Which was read and adopted.

Mr. McCamy introduced the following resolution:

Resolved, That a select committee be appointed, and instructed to enquire whether any amendments be necessary to be made to the patrol law; and if any, to report such amendments as they may think necessary, by bill.

Which was read and adopted, and Messrs. McCamy, Rives and Black appointed said committee.

On motion of Mr. McCamy, Mr. Bean was added to the committee.

Mr. Gainer asked and obtained leave to introduce a bill to be entitled "an act to repeal the latter clause of the 31st section of an act entitled an act to place the bank of the State of Arkansas in liquidation, approved 31st January, 1843."

Which was read a first time, and ordered to a second reading on tomorrow.

Mr. Irvin agreeable to previous notice given, introduced a bill to be entitled "an act to regulate the action of forcible entry and detainer."

Which was read a first time, and ordered to a second reading on torow.

Mr. Clark from a select committee made the following report:

Mr. President,—The committee to whom was referred the bill entitled "an act supplementary to an act, approved the 3d of February, 1843, to establish a system of common schools in the State of Arkansas," have had the said bill under consideration, and a majority of said committee ask leave to report the said bill with the following amendments. CLARK, *Chairman.*

Strike out after the word "who," in the 5th line of section 1st, to the word "and," in the 7th line of the same sec. and insert the following in lieu thereof:

"May have made a valuable improvement, and actual settlement on any sixteen section in this State, previous to the survey of the said sixteenth section or the lands contiguous thereto, by the authorities of the United States."

Strike out the word "or," in the 8th line of the same section, and insert the word "and" in lieu thereof.

The report, bill and amendments being read, Mr. Ficklin moved to lay the whole on the table, until the year 1850, and called for the yeas and nays, which being ordered, were yeas 11, nays 13, as follows:

Yeas—Messrs. Black, Ficklin, Maxwell, Mitchell, Newton, Rose, Shaw, Smith, Stell, Trimble and Yell—11.

Nays—Messrs. Bean, Clark, Gainer, Gaines, Hudson, Irvin, McCamy, McKean, Neely, Pelham, Rives, Walker, and Mr. President —13. So the motion to lay on the table was lost.

The question was then taken on agreeing to the first amendment proposed by the committee, and it was rejected.

The question was then taken on agreeing to the second amendment proposed by the committee, and it was rejected.

Mr. McCamy offered the following amendment, to come in after the word acre, in the 17th line, "provided that two thirds of the inhabitants of said township shall agree to the same."

Mr. Newton offered to amend the amendment offered by Mr. McCamy, as follows: "and that the provisions of this bill apply alone to Washington county."

On motion of Mr. McCamy, the bill was referred to a select committee, consisting of Messrs. McCamy, Newton and Gaines.

On motion of Mr. McCamy, Mr. Pelham was added to said committee.

Mr. Ficklin from a select committee, made the following report:

Mr. President—The select committee to whom was referred the bill from the House, to "provide more effectually against the crime of adultery, and for other purposes," have had the same under consideration, and recommend the rejection of the bill by the Senate.

FICKLIN, *Chairman.*

The report and bill accompanying it, were read.

The question being on the adoption of the report of the committee, Mr. Newton called for the yeas and nays, which being ordered, were, yeas 8, nays 16, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Irvin, Maxwell, Stell, Walker, and Yell—8.

Nays—Messrs. Bean, Clark, Gaines, Hudson, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Rives, Rose, Shaw, Smith, Trimble and Mr. President—16.

So the report was not adopted.

The bill was then read a third time.

Mr. Yell moved to amend by way of rider, as follows: strike out the word "reputed" in the 5th line, and insert the words "who is," in lieu thereof.

Which amendment was lost.

Mr. Ficklin, offered the following amendment, by way of rider, "strike out the third section of the bill."

The question being on the adoption of the amendment offered by Mr. Ficklin, Mr. Newton called for the yeas and nays, which being ordered, were yeas 8, nays 16, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Irvin, McKean, Stell, Walker and Yell—8.

Nays—Messrs. Bean, Clark, Gaines, Hudson, Maxwell, McCamy, Mitchell, Neely, Newton, Pelham, Rives, Rose, Shaw, Smith, Trimble and Mr. President—16.

So the motion to strike out the third section of the bill was lost.

The question, "shall the bill pass" was then put, Mr. Newton called for the yeas and nays, which being ordered, were yeas 17, nays 7, as follows:

Yeas—Messrs. Bean, Clark, Gaines, Hudson, Maxwell, McCamy, Mitchell, McKean, Neely, Newton Pelham, Rives, Rose, Shaw, Smith, Trimble and Mr. President—17.

Nays—Messrs. Black, Ficklin, Gainer, Irvin, Stell, Walker and Yell—7.

So the bill was passed.

Mr. Newton introduced the following resolution.

Resolved, That so much of the Governor's message of the 20th November, as relates to the subject of education, be referred to the standing committee on education, with instructions, that said committee enquire into the propriety and expediency of disposing of all the seminary lands, so as to raise a sufficient fund to commence at once the work of establishing an institution of learning.

And that they also enquire whether any change is necessary, in the present laws, on the subject of common schools; and that they report by bill or otherwise. Which was read and adopted.

On motion of Mr. Maxwell, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

TUESDAY, *December* 3*d*, 1844.

The Senate met persuant to adjournment.

The President having ordered a call of the Senate, it appeared that there were seventeen Senators present.

The Journal of yesterday was read.

Mr. McCamy from the committee on education made the following report:

The select committee to whom was referred the bill to be entitled "an act, granting to the widow of Gilbert Barden certain property, have had the same under consideration, and have instructed me to report the bill to the Senate without amendment, and to recommend the passage of the bill.

McCAMY, *Chairman.*

The bill to be entitled "an act granting to the widow of Gilbert Barden, certain property," accompanying the report was read a third time and passed.

Mr. Trimble from the select committee, to whom was referred the bill from the House to be entitled, "an act to reduce the rate of interest, and to prevent persons from involving themselves in debt" made the following report:

Mr. President—The select committee to whom was referred the bill to be entitled an act to reduce the rate of interest, and to prevent citizens of the State from involving themselves in debt, have had the same under consideration, and instruct me to report the same without amendment, and that the same be passed.

WM. TRIMBLE, *Chairman*
select committee.

The bill from the House entitled "an act to reduce the rate of interest, and to prevent persons from involving themselves in debt," referred back by the committe, was read a third time.

Mr. Trimble moved to lay the bill on the table for the present.

Mr. McCamy objected, when Mr. Trimble withdrew his motion.

Mr. Gaines offered the following amendment by way of rider:

SEC. *Be it further enacted*, That the repealing said act shall revive and re-enact the laws in force in this State at the time of the passage of the act which this proposes to repeal.

Mr. Trimble offered the following amendment to the bill, which Mr. Gaines accepted in lieu of the amendment offered by him:

SEC. 3. *Be it further enacted*, That all laws repealed by the provisions of the act, which is repealed by the provisions of this act, be, and the same are hereby, revived, re-enacted, and declared to be in force from the passage of this act.

Which amendment was adopted.

Mr. Newton offered the following amendment as a substitute for the title of the bill:

"An act to repeal an act to regulate sale of property on execution, approved 23d December, 1840, and for other purposes."

Which was adopted.

The bill, as amended, was then read a third time, and passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

"*Mr. President*,—I am instructed to inform your honorable body, that the House of Representatives have passed 'an act concerning limitations;'

Also, 'an act to authorize Absalom Fowler, guardian of Frances E. Desha, to turn over her estate to her guardian in Kentucky;'

Also, 'an act for the relief of William Arnett, sheriff and collector of Hempstead county;'

Also, 'an act declaring Fourche Lefave a navigable stream;'

Also, 'an act to change the time of holding the general elections in this State;'

Also, 'an act for the relief of James M. Halbert, sheriff and collector of St. Francis county;'

Also, a resolution instructing our Senators, and requesting our Representative, in Congress, to use their best exertions to procure the establishment of a weekly mail route beginning at Lewisburg, in Conway county, and by Searcy, in White county, to Strong's, where it will intersect the Memphis and White river line.

And also, a resolution instructing our Senators, and requesting our Representative, in Congress, to use their influence to have a tri-weekly horse mail established leading from Washington, Hempstead county, Arkansas, through Spring Hill, to Natchitoches, Louisiana.

All of which is herewith transmitted for the assent of the Senate."

Mr. Maxwell, from the select committee to whom was referred the bill to be entitled "an act to distribute the proceeds of the sale of the 500,000 acres of land donated to this State, to the several counties of this State, for the purpose of internal improvements within the same," made the following report:

Mr. President—The select committee to whom was referred a bill to be entitled an act to distribute the proceeds of the sale of the 500,000 acres of land donated to this State by the general government, for internal improvements within this State, have had the same under consideration, and have instructed me to report the following amendments to said bill:

To amend the first section by inserting *equal* between the words "its" and "distributive" in the 4th line, and strike out all after the word *thereof* in the same line, to the end of the section.

Strike out all of section 7, and insert in lieu thereof—

SEC. 7. *Be it further enacted*, That it shall be the duty of the county treasurer to keep a well bound book, in which he shall keep a regular record of the amount of the money loaned, and to whom loaned, setting out the amount loaned to each individual, and the names of his personal securities, also the amount and location of the real estate mortgaged to secure the payment of the same; which book shall always be openfor the inspection of any citizen of said county who may wish to examine the same. D. MAXWELL, *Chairman*.

Which report was read.

Mr. Black moved to lay the amendment of the committee to the first section, on the table until the first day of July next, and called for the yeas and nays, which being ordered, were yeas 8, nays 16, as follows:

Yeas—Messrs. Bean, Black, Ficklin, McCamy, Mitchell, Pelham, Rose, and Walker—8.

Nays—Messrs. Clark, Gainer, Gaines, Hudson, Irvin, Maxwell, McKean, Neely, Newton, Rives, Shaw, Smith, Stell, Trimble, Yell, and Mr. President—16.

So the motion to lay the amendment on the table until the first day of July next, was lost.

Mr. Gaines moved that the first amendment proposed to the bill by the committee, be adopted; and called for the yeas and nays, which being ordered, were yeas 15, nays 9, as follows:

Yeas—Messrs. Clark, Gainer, Gaines, Hudson, Irvin, Maxwell, McKean, Neely, Newton, Rives, Shaw, Stell, Trimble, Yell, and Mr. President—15.

Nays—Messrs. Bean, Black, Ficklin, McCamy, Mitchell, Pelham, Rose, Smith, and Walker—9.

So the amendment was adopted.

Mr. Bean moved to lay the bill and amendments on the table until the 4th day of July next.

Upon which motion Mr. Black called for the yeas and nays, which being ordered, were yeas 13, nays 11, as follows:

Yeas—Messrs. Bean, Clark, Ficklin, Gaines, Hudson, Irvin, McCamy, McKean, Newton, Pelham, Rives, Smith, and Yell—13.

Nays—Messrs. Black, Gainer, Maxwell, Mitchell, Neely, Rose, Shaw, Stell, Trimble, Walker, and Mr. President—11.

So the bill, together with the amendments, were laid on the table until the 4th day of July next.

The bill to be entitled "an act to declare Little Red river navigable," was read a third time, and passed.

The bill from the House entitled "an act to call in the scrip of Washington county," was read a second time, and ordered to a third reading on to-morrow.

The bill from the House entitled "an act to amend the law concerning the lien of mechanics," was read a second time, and ordered to a third reading on to-morrow.

The bill from the House entitled "an act to amend an act entitled an act to prohibit the emigation and settlement of free negroes, or free persons of color, into this State, approved 20th January, 1843," was read a second time.

Mr. Gaines moved to refer the bill to the committee on the judiciary.

Mr. Black moved to refer it to the committee on ways and means.

Mr. Gaines withdrew his motion, and the motion of Mr. Black, to refer to the committee on ways and means, prevailed.

The bill to be entitled "an act to repeal the latter clause of the 31st section of an act entitled an act to place the bank of the State of Arkansas in liquidation, approved 31st January, 1843," was read a second time, and on motion of Mr. Pelham, referred to the committe on banks.

The resolution from the House instructing our Senators in Congress, and requesting our Representative, to use their influence with the Postmaster General of the United States, to have the mail carried from Little Rock to Fulton, on Red river, tri-weekly, in four horse coaches, was read a second time, and ordered to a third reading on to-morrow.

The bill to be entitled "an act to regulate the action of forcible entry and detainer," was read a second time.

Mr. Walker moved to refer the bill to the committee on the judiciary, but afterwards withdrew his motion, and the bill was ordered to a third reading on to-morrow.

Mr. Walker, from a select committee, made the following report:

Mr. President,—The select committee to whom was referred a bill to be entitled an act authorizing Miller Irvin, administrator of the estates of John J. Powel, Nicholas Rigtor, Arnold Fisher, William S. Woods, and Benaniel L. Bowen, deceased, to sell and dispose of the real estate which belong to said estates, has had the same under consideration, and ask leave to report a substitute in its place.

J. G. WALKER, *Chairman*
of select committee.

Which report, and the substitute accompanying it, were read; and the substitute adopted in lieu of the original bill.

The bill was then read a third time, and passed.

The message received from the House of Representatives, this morning, was taken up and read.

The paper endorsed on the back "an act concerning limitations," accompanying the message, was then read.

On motion of Mr. Pelham, that part of the message stating "an act concerning limitations," together with the paper above designated, were laid on the table.

The bill from the House entitled "an act to authorize Absalom Fowler, guardian of Frances E. Desha, to turn over her estate to her guardian in Kentucky," was read a first time.

On motion of Mr. Yell, the rules were dispensed with, the bill read a second and third time, and passed.

The bill from the House entitled "an act for the relief of William Arnett, sheriff and collector of Hempstead county," was read a first time, and ordered to a second reading on to-morrow.

The bill from the House entitled "an act declaring Fourche Lefave river a navigable stream," was read a first time, and ordered to a second reading on to-morrow.

The bill from the House entitled "an act to change the time of holding the general elections in this State, was read a first time.

On motion of Mr. Rose, the rules were dispensed with, and the bill read a second time; and, on the further motion of Mr. Rose, the bill was referred to the select committee appointed on yesterday, consisting of Messrs. Gaines, Shaw, Pelham, and McCamy, to whom was referred a bill of the Senate entitled "an act to change the time of holding the elections in this State."

The bill from the House entitled "an act for the relief of James M. Halbert, as sheriff and collector of St. Francis county," was read a first time.

On motion of Mr. Neely, the rules were dispensed with, the bill read a second and third time, and passed.

The resolutions from the House instructing our Senators and requesting our Representative in Congress "to use their best exertions to procure the establishment of a weekly mail route beginning at Lewisburg, in Conway county, and by Searcy, in White county, to Strong's, where it will intersect the Memphis and White river line," was read a first time.

On motion of Mr. Maxwell, the rules were dispensed with, and the resolution read a second time; and, on the further motion of Mr. Maxwell, the resolution was referred to a select committee, consisting of Messrs. Maxwell, Shaw, and Stell.

On motion of Mr. Maxwell, Mr. Pelham was added to said committee.

The resolutions from the House instructing our Senators and requesting our Representative in Congress, to use their influence to have a tri-weekly horse mail established, leading from Washington, in Hempstead county, through Spring Hill to Natchitoches, in Louisiana, was read a first time, and ordered to a second reading on to-morrow.

Mr. Irvin gave notice that, on to-morrow, he would introduce a bill to be entitled "an act for the relief of William K. Sebastian, administrator with the will annexed of the estate of Joseph C. Dunn, deceased, and for other purposes."

Mr. Irvin gave notice that, on Thursday next, he would introduce a bill to change in part the time of holding the circuit courts in the first judicial circuit.

Mr. Gaines introduced the following resolution:

Resolved, That to-morrow being the day fixed by law for the electors of President and Vice President of the United States to cast the vote of this State for those officers, that the Senate will meet the House of Representatives in the Representatives' hall at 1 o'clock, P. M., on to-morrow, to go into the election of an elector to fill the vacancy occasioned by the resignation of the Hon. Chester Ashley, one of the electors elect for this State, and fill any other vacancy in the offices of elector that may occur; and that the House of Representatives be requested to concur herein.

Which was adopted.

Mr. Newton introduced the following resolution:

Resolved, by the General Assembly of the State of Arkansas, That our Senators be instructed, and our Representative in Congress be requested, to use their influence to have branch mails established from Little Rock through Newell's settlement, in Pulaski county, by Kinderhook, in Van Buren county, to Richwoods post-office, in Izard county; and also from White Oak post-office (Wassell's) by David Royster's to the lower settlement on White river, in Pulaski county.

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Irvin, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

WEDNESDAY, *December 4th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate.

The roll being called, it appeared that there were seventeen Senators present.

The journal of yesterday was read.

Mr. McCamy, from the select committee made the following report:

Mr. President—The select committee to whom was referred the resolution to enquire whether any amendments were necessary to be made to the patrol law; and if any, to report such amendments by bill, have had the same under consideration, and ask leave to report an amendment.

McCAMY, *Chairman*
Select Committee.

The bill to be entitled "an act to amend the 3d and 7th sections of the 109th chapter, of the revised code" accompanying the above re-report, was read a first time, and ordered to a second reading on to-morrow.

Mr. Gaines from the committee on the judiciary, made the following report:

Mr. President—The committee on the judiciary have had the bill entitled "an act for the punishment of embezzlement" under consideration, and have instructed me to report the same back with an amendment, as follows: strike out the words "under any pretext whatever," in the 8th line of the first section.

All of which is respectfully submitted.

GAINES.

Which report, and the bill accompanying it were read, and the report adopted.

Mr. Ficklin offered the following amendment by way of rider, as the 3d section of the bill, to-wit:

"*Be it further enacted*, That this act shall extend to, and embrace all attorneys at law, and other persons who may receive and receipt for any evidences of debt whatsoever for collection."

Which amendment was adopted.

On the passage of the bill, Mr. Ficklin called for the yeas and nays.

Mr. Smith moved to refer the bill to a select committee.

On which motion Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 11, nays 12, as follow:

Yeas—Messrs. Bean, Hudson, Neely, Pelham, Rives, Rose, Shaw, Smith, Trimble, Yell and Mr. President—11.

Nays—Messrs. Black, Clark, Ficklin, Gainer, Gaines, Irvin, Maxwell, McCamy, Mitchell, McKean, Stell and Walker—12.

So the motion to refer to a select committee, was lost.

Mr. Yell moved to amend the 3d section of the bill, as follows:

Amend by inserting "and all merchants who buy goods and do not pay for the same."

Which Mr. Yell accepted.

Mr. Maxwell offered the following:

To amend the amendment, by inserting after the word "goods" "to include those who buy horses."

Which Mr. Yell accepted.

Mr. Ficklin offered the following amendment to the amendment, to-wit:

Amend the amendment, by adding after the word "merchant" "and all other persons who may purchase any wares, or other articles of trade or traffic of whatsoever kind."

Which Mr. Yell accepted.

Mr. Black moved to lay the bill and amendment on the table until the year 1850, and called for the yeas and nays, which being ordered, were yeas 10, nays 14, as follows:

Yeas—Messrs. Black, Ficklin, Irvin, Maxwell, McCamy, Mitchell, Pelham, Rives, Walker and Yell—10.

Nays—Messrs. Bean, Clark, Gainer, Gaines, Hudson, McKean, Neely, Newton, Rose, Shaw, Smith, Stell, Trimble and Mr. President—14.

So the motion to lay on the table until the year 1850, was lost.

Mr. Newton moved to lay the amendment on the table indefinitely, and called for the yeas and nays, which being ordered were yeas 18, nays 5, as follows:

Yeas—Messrs. Bean, Clark, Gainer, Gaines, Hudson, McCamy, Mitchell, McKean, Neely, Newton, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker and Mr. President—18.

Nays—Messrs. Black, Ficklin, Maxwell, Pelham and Yell—5.

So the amendment was laid on the table indefinitely.

Mr. Yell moved to refer the bill to the committee on the judiciary, which motion was lost.

On motion of Mr. Trimble, the bill was referred to the committee of the whole, and made the order of the day for Friday next.

Mr. Trimble from the committee on the judiciary, made the following report:

Mr. President—The committee on the judiciary, have had under consideration the bill to be entitled "an act concerning guardians and wards, and have instructed me to report the same without any amendment, and that the same be passed. Which is respectfully submitted.

Wm. TRIMBLE, *Chairman*
of Judiciary Committee.

The bill to be entitled "an act concerning guardians and wards," was read a third time and passed.

Mr. Yell from the committee on the judiciary, made the following report:

Mr. President—The committee on the judiciary have had the bill entitled "an act to establish courts of chancery," under consideration, and have instructed me to report the same to the Senate without amendment, and which is herewith respectfully submitted.

Your committee however are of opinion that it would be inexpedient to establish courts of chancery at the present time. Our State is too much embarrassed to establish such separate courts.

That such courts would be useful in some few cases in the State, we have no doubt; but think that the enormous expense that would be incurred by the establishment of such courts, would out weigh any advantage to be derived from them. The circuit courts now take jurisdiction of such cases and with very few exceptions dispose of them in the same way that courts of chancery would; and if a party feels himself agrieved, he has the right to appeal to the supreme court; with these advantages for redress and to obtain justice, we think the country should be satisfied until the State is better able to give a more efficient remedy. YELL.

The report and bill were read.

On motion of Mr. Newton, the bill was laid on the table until the year 1850.

Mr. Trimble from the judiciary committee, made the following report:

Mr. President,—The committee on the judiciary, to whom was referred the bill to be entitled "an act prescribing forms for justices of the peace in criminal cases," have had the same under consideration, and have instructed me to report the same with the following amendment to be added to the 2d section, viz: unless the justice of the peace is satisfied of his own knowledge that an offence has been committed against the State; in such case he shall issue a warrant to apprehend the offender.

And the said justice in such case, shall state in the preamble to said warrant that the same is issued upon his own knowledge, and as near as may be in the following form: "Whereas, it hath come to the knowledge of the undersigned, an acting justice of the peace in and for the county of in the State aforesaid, that on the day of in the county of that A. B. late of did, on the day of 18 with force and arms, (here describe the offence, whether a principal or accessory.

And said committee recommend that the 5th section be struck out, and the following inserted as the 7th section:

SEC. 5. *Be it remembered*, That this day personally come A. B. as principal, and C. D. as security, and acknowledged themselves to owe and be indebted to the State of Arkansas in the penal sum of to be levied of their goods and chattels, lands and tenements.

But to be void upon condition that the said A. B. be and appear on the first day of our next circuit court, at a court to be begun and holden on the of to answer the State of Arkansas upon a charge of (here state the offence), and abide the judgment of the court, and not depart without leave thereof. Then this recognizance to be null and void, otherwise remain in full force and effect.

Signed, A. B.
C. D.

Acknowledged before me, E. F., a justice of the peace in and for the county of at the township of in said county, this day of 18 . J. P.

Which report was read and adopted.

On motion of Mr. Trimble, the bill to be entitled "an act prescribing forms for justices of the peace in criminal cases," was ordered to be engrossed, and read a third time on to-morrow.

On motion of Mr. Bean, Mr. McKean was added to the committee on Auditor's and Treasurer's books.

Mr. Gaines from the committee on ways and means, made the following report:

Mr. President,—The committee of ways and means have had the bill from the House of Representatives for the relief of Samuel Adams, late Governor of the State of Arkansas, under consideration, and have instructed me to report the accompanying bill as a substitute. Their objection to the original, being its want of specification of the objects for which the appropriation is made.

All which, is respectfully submitted.

GAINES, *Chairman*.

Which was read and adopted.

The bill to be entitled "an act for the relief of Samuel Adams, late Governor of the State of Arkansas," reported by the committee, was read a third time and passed.

Mr. Irvin, from the select committee, to whom was referred the report of the commissioner to survey and mark the northern boundary line of this State, made the following report:

Mr. President,—The committee to whom was referred, the report of the commissioner, under the "act to survey and mark out the northern boundary line of this State," have had the subject under consideration, and beg leave to submit the following report:

By the 5th section of an act, entitled "an act to survey and mark out the northern boundary line of this State," approved the 12th January, 1843, a contingent fund of $1,000 was created, for defraying the expenses of assistants, and other incidental expenses. It appears from the report of the commissioner, that this sum was drawn from the treasury, in notes of the banks of this State; and that, on conversion into specie, it has been found insufficient to defray the expenses to which it was applicable. There is now remaining to be paid, a balance of $107; and to provide for this balance, and defray the expenses of the remainder of the survey, $1,000 is estimated to be sufficient. Your committee consider it important, that this work should be completed as soon as practicable, and therefore recommend the appropriation of said amount.

The report of the commissioner shows that the States of Arkansas and Missouri, should pay an equal portion of the expense of the survey; and on examining the act above mentioned, your committee perceive that this was the manifest intention of the General Assembly. But, in order to arrive at this equality, the funds contributed by each State, should be equal in actual, as well as in nominal value; and the appropriations made by this State, should, like those of Missouri, be paid in specie or its equivalent. Your committee are of opinion, that justice, and the honor of the State require that this should be done.

Governed by these considerations, your committee respectfully submit the following preamble and bill.

MILLER IRVIN, *Chairman.*

The bill accompanying the above report, entitled "an act supplementary to an act, entitled "an act to survey and mark out the northern boundary line of this State, approved the 12th day of January, 1843," was read a first time, and ordered to a second reading on to-morrow.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed a bill to be entitled "an act to call in the scrip of Green county."

Which is herewith transmitted for the assent of the Senate.

The House have assented to the resolution of the Senate, remonstrating against the establishment of a national bank, and have appended thereto, an amendment, which is herewith returned, for the assent of the Senate.

Mr. Irvin introduced, agreeable to previous notice given, a bill to be entitled "an act for the relief of William K. Sebastian, administrator with the will annexed of the estate of Joseph C. Dunn, deceased," which was read a first time, and ordered to a second reading on to-morrow.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate to go into the election of elector for President and Vice President of the United States, to-day, at 2 o'clock, P. M., to fill the vacancy occasioned by the resignation of the Hon. Chester Ashley. The House have adopted a resolution to go into an election of Secretary of State on to-day, at 2 o'clock, P. M And the concurrence of the Senate is asked.

On motion of Mr. Yell, the resolution to go into an election for Secretary of State, was concurred in, and the House of Representatives informed thereof.

The bill from the House entitled "an act declaring Fourche Lefave river a navigable stream," was read a second time, and ordered to a third reading on to-morrow.

The bill from the House entitled "an act for the relief of William Arnett, sheriff and collector of Hempstead county," was read a second time, and ordered to a third reading on to-morrow.

The resolutions from the House instructing our Senators in Congress, and requesting our Representative, "to use their influence to have a tri-weekly horse mail established leading from Washington, in Hempstead county, Arkansas, through Spring Hill, Hempstead county, and Shreveport, in Louisiana, to Natchitoches, Louisiana," was read a second time, and ordered to a third reading on to-morrow.

The resolution from the House instructing our Senators in Congress, and requesting our Representative, "to use their influence with the Postmaster General of the United States to have the mail carried from Little Rock to Fulton, on Red river, tri-weekly, in four horse coaches," was read a third time, and passed.

Mr. Trimble moved that the President appoint a standing committee on mail routes.

Which motion prevailed, and Messrs. Pelham, Trimble, and McCamy, appointed said standing committee.

On motion of Mr. Ficklin, Mr. McKean was appointed to the committee on mail routes.

On motion of Mr. McKean, Mr. Ficklin was added to the committee on mail routes.

The bill from the House entitled "an act to call in the scrip of Washington county," was read a third time and passed.

The bill from the House entitled "an act to regulate the action of forcible entry and detainer," was read a third time.

Mr. Trimble moved to refer the bill to a select committee.

Mr. Black moved to refer the bill to the committee on the judiciary.

Which motion prevailed, and the bill referred accordingly.

The bill to be entitled "an act to amend the law concerning the lein of mechanics," was read a third time a passed.

The resolution instructing our Senators in Congress, and requesting our Representative, "to use their influence to have branch mails established from Little Rock through Newell's settlement, in Pulaski county, by Kinderhook, in Van Buren county, to Richwoods post-office, in Izard county; and also by White Oak post-office, by David Royster's, to the lower settlement on White river, in Pulaski county," was read a second time, and ordered to a third reading on to-morrow.

The bill from the House, entitled "an act concerning limitations," was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Ficklin, the Senate took a recess until 2 o'clock, P. M.

At 2 o'clock, P. M., the Senate convened.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the hall of the House of Representatives is now in readiness to receive the Senate for the purpose of going into an election for elector of the State for President and Vice President of the United States, and Secretary of State for the State of Arkansas.

In accordance with the above message, the Senate repaired to the hall of the House of Representatives, and, being seated,

The Speaker announced that nominations for elector for this State for President and Vice President of the United States, to fill the vacancy occasioned by the resignation of the Hon. Chester Ashley, were in order.

Whereupon, Mr. Mayers, of the House of Representatives, nominated Euclid L. Johnson; and Mr. McCoy, of the House of Representatives, nominated Solon Borland.

No other nomination being made, the roll was called, when it appeared that Solon Borland had received fifty-six joint votes, and Euclid L. Johnson had received twenty-nine joint votes.

Those Senators who voted for Solon Borland, are Messrs. Black, Ficklin, Gainer, Gaines, Mitchell, McKean, Neely, Pelham, Rives, Rose, Shaw, Smith, Stell, Walker, Yell, and Mr. President—16.

Those Senators who voted for Euclid L. Johnson, are Messrs. Bean, Clark, Hudson, McCamy, Newton, and Trimble—6.

The Speaker proclaimed that Solon Borland, having received a majority of all the votes given, was duly elected elector for President and Vice President of the United States.

The Speaker announced that nominations were in order for Secretary of State for the State of Arkansas.

Whereupon, Mr. Neely nominated David B. Greer.

No other nomination being made, the roll was called, when it appeared that David B. Greer had eighty-eight joint votes.

Those Senators who voted for David B. Greer, are Messrs. Bean, Black, Clark, Ficklin, Gainer, Gaines, Hudson, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell, and Mr. President—22.

Whereupon the Speaker proclaimed that David B. Greer, having received a majority of all the votes given, was duly and constitutionally elected Secretary of State, for and during the period prescribed by law.

The Senate then returned to their chamber.

On motion of Mr. Ficklin, the message received from the House of Representatives, this morning, accompanied by a bill and resolutions, was taken up and read.

The bill from the House entitled "an act to call in the scrip of Green county," was read a first time, and ordered to a second reading on to-morrow.

The following amendment, adopted by the House, to the resolutions of the Senate instructing our Senators in Congress, and requesting our Representative, to use every honorable means in their power to prevent the establishment of a national bank, under any form whatever, to wit:

Resolved, further, That a system of internal improvements, other than for purposes clearly national in their nature and character, is incompatible with sound policy, inimical to the independence of the sovereign States, and not provided for in the constitution of the United States.

Be it further resolved, That we also consider the present tariff of the United States as excessively protective in its character, unjust and unwise in detail, and extremely oppressive in its operations on the great agricultural interest of the Union; and ought to be so modified as to reduce it to the necessary wants of an economical administration of the general government at as early a period as possible; and our delegates are requested to go for so adjusting it.

After the reading of the amendment, Mr. McCamy moved to reject it.

Mr. Ficklin moved to concur in the amendment.

Mr. Gaines called for the yeas and nays on Mr. Ficklin's motion.

Mr. Newton moved to lay the amendment on the table indefinitely, and called for the yeas and nays; which being ordered, were yeas 5, nays 18, as follows:

Yeas—Messers. Bean, Clark, Newton, Pelham and Trimble—5.

Nays—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, McCamy, Mitchell, McKean, Neely, Rives, Rose, Shaw, Smith, Stell, Walker, Yell, and Mr. President—17.

So the motion to lay the amendment on the table indefinitely, was lost.

Mr. Ficklin moved to concur in the amendment.

Mr. Newton proposed to amend by adding—

That the electors for the State of Arkansas be, and they are hereby, instructed to vote for Polk and Dallas for President and Vice President of the United States, and for no one else.

Which was decided out of order.

Mr. Pelham called for a division of the question.

The question was then taken on the first resolution in the amendment.

Mr. Pelham called for the yeas and nays, which being ordered, were yeas 16, nays 6, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, Mitchell, McKean, Neely, Rives, Rose, Shaw, Smith, Stell, Walker, Yell, and Mr. President—16.

Nays—Messrs. Bean, Clark, McCamy, Newton, Pelham, and Trimble—6.

So the Senate concurred in the first resolution of the amendment.

The question was then taken on concurring in the second resolution of the amendment.

Mr. Pelham called for the yeas and nays, which being ordered, were yeas 18, nays 4, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, McCamy, Mitchell, McKean, Neely, Pelham, Rives, Rose, Shaw, Smith, Stell, Walker, Yell, and Mr. President—18.

Nays—Messrs. Bean, Clark, Newton, and Trimble—4.

So the second resolution was concurred in.

Mr. Newton offered the following preamble and resolutions:

"Whereas, the Congress of the U. S. have donated to this State 500,000 acres of land, for the purpose of internal improvement, clearly with a view, among other things, to aid the State in completing and keeping in repair the roads heretofore commenced and made by the general government to facilitate the transportation of troops in case of danger on our frontier, the ready transmission of the mails, as well for the speedy settlement of the State, as to add to the convenience of her citizens. And deeming these objects of paramount importance:

Be it therefore resolved, That from the proceeds of the sale or sales of said donation the sum of $250,000, at least, should be appropriated to the following objects, to wit:

1st. In completing and repairing the national road leading from Memphis, Tenn., by Little Rock, to big Red river; from thence by Fort Towson to Fort Gibson; and from thence by Batesville to the Missouri line.

2d. In making a road on the south side of Arkansas river, leading from Fort Gibson to Columbia in Chicot county, on the Mississippi river.

And that the standing committee on internal improvements be, and they are hereby, instructed to report a bill embracing a plan for disposing of said sum of $250,000 on the roads aforesaid, to be expended as the same shall be realized from said sale."

On motion of Mr. Ficklin, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

THURSDAY, *December 5th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were twenty Senators present.

The journal of yesterday was read.

Mr. Gaines, from the committee of ways and means, made the following report:

Mr. President—The committee of ways and means have had the bill from the House of Representatives, entitled an act changing the time of holding the general elections in this State, under consideration, and a majority have instructed me to report the same back without amendment. All which is most respectfully submitted.

J. F. GAINES, *Chairman.*

The bill to be entitled an act to change the general elections in this State, accompanying the above report, was read a third time.

Mr. Ficklin called for the yeas and nays on its final passage.

Mr. Clark moved to lay the bill on the table until the first Monday in August, 1846, and called for the yeas and nays, which being ordered, were yeas 4, nays 19, as follows:

Yeas—Messrs. Clark, Irvin, Newton, and Yell—4.

Nays—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Rives, Rose, Shaw, Stell, Trimble, Walker, and Mr. President—19.

So the motion to lay on the table till the first Monday in August, 1846, was lost.

Mr. Newton moved to amend by striking out "*the first Monday in August,*" and inserting "*the first Monday in July.*"

Upon which motion, Mr. Clark called for the yeas and nays; which being ordered, were yeas 4, nays 20, as follows:

Yeas—Messrs. Clark, Irvin, Newton, and Yell—4.

Nays—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Rives, Rose, Shaw, Smith Stell, Trimble, Walker, and Mr. President—20.

So the motion to strike out and insert was lost.

Mr. Newton offered an amendment to the bill, proposing to change the mode of voting from *viva voce* to voting by ballot; which the chair decided to be out of order; from which decision Mr. Newton appealed.

Whereupon Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 15, nays 8, as follows:

Yeas—Messrs. Black, Ficklin, Gaines, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Rives, Shaw, Smith, Stell, and Walker—15.

Nays—Messrs. Bean, Clark, Gainer, Hudson, Newton, Rose, Trimble, and Yell—8.

So the decision of the chair was sustained.

Mr. Ficklin moved the previous question, and renewed his call for the yeas and nays on the final passage of the bill.

The question "shall the main question be now put?" was stated from the chair, and sustained by the Senate.

The yeas and nays, on Mr. Ficklin's motion being ordered, were yeas 18, nays 6, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Rives, Rose, Shaw, Smith, Stell, Walker, and Mr. President—18.

Nays—Messrs. Clark, Hudson, Irvin, Newton, Trimble and Yell —6.

So the bill was passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed "an act prescribing the time of holding circuit courts in the seventh judicial circuit." Also "an act for the benefit of Reding Busby." Also "a resolution concerning the 72 sections of land donated to the State for the purpose of erecting a seminary of learning." And also "a resolution to amend the constitution of the State of Arkansas." All of which are herewith transmitted for the assent of the Senate.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have examined the resolutions instructing our Senators and Representative in Congress to use every honorable exertion to prevent the establishment of a national bank, under any form whatever, and have instructed me to report the same correctly enrolled.

MITCHELL, *Chairman.*

Mr. Irvin, agreeable to notice given, introduced a bill to be entitled "an act to change the time of holding the circuit court within the first judicial circuit of this State."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Bean gave notice that, on to-morrow, he would ask leave to introduce a bill to authorize non-residents to pay taxes directly into the treasury.

The bill from the House to be entitled an act to call in the scrip of Green county, was read a second time and ordered to a third reading on to-morrow.

The bill from the House entitled "an act concerning limitations," was read a second time, and ordered to a third reading on to-morrow.

The bill from the House entitled "an act for the relief of William Arnett, sheriff and collector of Hempstead county," was read a third time and passed.

The bill from the House entitled "an act declaring Fourche Lefave river a navigable stream," was read a third time, and passed.

The resolutions from the House instructing our Senators and requesting our Representative in Congress to use their influence to have a tri-weekly horse mail established, leading from Washington, Hempstead county, Arkansas, through Spring Hill, in Hempstead county, Lewisville, in Lafayette county, Shreveport, in Louisina, to Natchitoches, in Louisiana," was read a third time, and passed.

The bill to be entitled "an act for the relief of William K. Sebastian, administrator, with the will annexed, of the estate of Joseph C. Dunn, deceased, was read a second time, and ordered to a third reading on to-morrow.

The bill to be entitled "an act supplementary to an act entitled an act to survey and mark out the northern boundary line of this State, approved 12th January, 1843," was read a second time, and ordered to a third reading on to-morrow.

The bill to be entitled "an act to amend the 3d and 7th sections of the 109th chapter of the revised code," was read a second time and ordered to a third reading on to-morrow.

The resolution instructing our Senators and requesting our Representative in Congress "to use their influence to have branch mails established from Little Rock, through Newell's settlement, in Pulaski county, by Kinderhook, in Van Buren county, to Richwoods post-office, in Izard county, and also from White Oak post-office, by David Royster's, to the lower settlement on White river in Pulaski county," was read a third time, and passed.

The bill to be entitled "an act prescribing forms for justices of the peace in criminal cases," was read a third time.

Mr. McCamy moved to amend by rider, as follows:

"Strike out the words "shall" in the 5th line, section 1, and insert the word "may" in lieu thereof, and in every other part of the bill where it is used, as in the 1st section."

Which amendment was adopted.

Mr. Trimble moved to amend by striking out the word "*unless*" in the 26th line of the second section, and insert the word "*provided*" in lieu thereof.

Which was adopted, and the bill, as amended, was passed.

The bill from the House entitled an act prescribing the time of holding the circuit courts in the seventh judicial circuit," was read a first time.

Mr. Gaines moved to reject the bill, but afterwards withdrew his motion to reject, and moved that the rules be dispensed with and the bill read a second time, and referred to a select committee of all the Senators of the said circuit.

Which motion prevailed, and Messrs. Gaines, Smith, Rose and Stell appointed said committee.

On motion of Mr. Gaines the bill to be entitled "an act to prescribe and fix the time of holding the circuit courts in the seventh judicial circuits," which was laid on the table on the 30th day of November last, was taken up and referred to the same select committee.

The bill from the House entitled "an act for the relief of Redding Busby," was read a first time and ordered to a second reading on to-morrow.

The resolution from the House instructing our Senators and requesting our Representative in Congress "to use all their influence with the Congress of the United States to so change and modify the compact entered into between the United States and the State of Arkansas, with regard to the donation of the seventy-two sections of land for the purpose of erecting a seminary of learning, so that the same may be appropriated by the State to common school purposes," was read a first time and ordered to a second reading on to-morrow.

The resolutions from the House proposing amendments to the constitution of the State of Arkanras," was read a first time, and, on motion of Mr. Ficklin, they were laid on the table for the present.

Mr. Black introduced the following resolution:

Resolved, That our Senators be instructed and our Representative in Congress be requested to use their influence with the Postmaster General to have the mails carried twice a week from Jackson via Pocahontas to St. Francis post-office.

Which was read a first time and ordered to a second reading on to-morrow.

Mr. Trimble introduced a bill to be entitled "an act to reduce the rate of interest."

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Smith, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

FRIDAY, *December* 6*th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were seventeen Senators present.

The journal of yesterday was read.

Mr. Gainer presented a petition from David Castleberry, a citizen of Van Buren county, in the State of Arkansas, representing to the General Assembly, that in the year 1820 he married a woman in the State of Georgia, with whom he could not live agreeably, and parted with her about the year 1824, and came to the State of Arkansas, then the territory of Arkansas; and about the year 1828, he married a woman by the name of Penina Tomlinson, and by her had five children, to-wit: Nathaniel, Levina, Mary Ann, Elijah and David; and praying that the marriage with said Penina Tomlinson may be legalized, and their children made lawful heirs.

Which petition was read, and on motion of Mr. Gainer, referred to a select committee consisting of Messrs. Gainer, Trimble and Yell.

Mr. Gainer, from the committee on ways and means, made the following report:

Mr. President,—The committee of ways and means have had the bill entitled an act to amend an act to prohibit the emigration and settlement of free negroes or free persons of color into this State, approved 20th January, 1843, under consideration, and have instructed me to report the same back, and recommend the following amendments, viz: insert, in every case where the word "negro" occurs, immediately after it the words "*or negroes*," and wherever the word "mulatto" occurs, insert after it the words "*or mulattoes*," and wherever the word "servant" occurs, insert after it "*or servants*," and insert after the word "him" in the 5th line of the 2nd section the words "*or them*," and after the word "he" in the 6th line insert "*or they*," wherever it occurs in said line. And the committee recommend the following as an additional section to the bill, viz:

SEC. 3. *And be it further enacted*, That all free persons of color in this State who have not complied with the act that this act intended to amend, shall be permited to come forward before the proper officers, within six months after the passage of this act, and enter into the bond and security required in the said act of January 20th, 1843.

Which report was read and adopted.

The bill, as amended, was read a third time, and passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

"*Mr. President*,—I am instructed to inform your honorable body, that the House of Representatives have passed 'an act for the relief of Reuben Persell.'

Also 'an act to amend the laws of assault and battery.'

Which are herewith transmitted for the assent of the Senate.

The House have concurred in the amendmendment of the Senate to the bill of the House entitled 'an act to reduce the rate of interest and to prevent persons from involving themselves in debt.'"

Mr. McCamy, from the select committee to whom was referred the bill to be entitled "an act supplementary to an act approved the 3d day of February, 1843," to establish a system of common schools in the State of Arkansas, made the following report:

Mr. President—The select committee to whom was referred the bill to be entitled an act supplementary to an act approved the 3d day of February, 1843, to establish a system of common schools in the State of Arkansas, has had the same under consideration, and ask leave to report the bill to the Senate with an amendment to come in at the end of the first section, in the following words, to wit—"Provided that a majority of the householders of the township shall agree to the same;" and also to strike out interlining between the sixth and seventh lines of the 1st section, and insert "where the land was not surveyed when such settlement was made."

McCAMY, *Chairman.*

Which report was read.

Mr. Smith moved to lay the bill and report on the table until Monday next.

Mr. Ficklin moved to lay them on the table until the first day of January, 1850.

Upon which motion, Mr. McCamy called for the yeas and nays, which being ordered, were yeas 7, nays 17, as follows:

Yeas—Messrs. Clark, Ficklin, Hudson, Maxwell, Mitchell, Pelham, and Yell—7.

Nays—Messrs. Bean, Black, Gainer, Gaines, Irvin, McCamy, McKean, Neely, Newton, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker, and Mr. President—17.

So the motion to lay on the table until the year 1850, was lost.

The motion of Mr. Smith to lay on the table until Monday next, was then taken and carried.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

"*Mr. President*,—I am instructed to inform your honorable body, that the House of Representatives have passed a bill to be entitled 'an act for the relief of James Lawson, jr., late sheriff of Pulaski county.'

Which is herewith transmitted for the assent of the Senate."

Mr. Gaines, from the select committee to whom was referred the bill to be entitled 'an act to change the time of holding the elections in this State," made the following report:

Mr. President—The select committee, to whom was referred the bill entitled an act to change the time of holding the elections in this State, under consideration, and a majority ask leave to state that the subject matter of the caption and first section of said bill was embraced in a bill passed by the Senate on yesterday, which bill originated in the House of Representatives; but the majority thought that the second section contained a valuable suggestion, and have instructed me to report the accompanying resolution for the consideration of the Senate.

All which is most respectfully submitted.

J. F. GAINES, *Chairman.*

The report, and the resolution accompanying it, being read, the report was, on motion of Mr. Trimble, adopted.

On motion of Mr. Gaines, the resolution was referred to the committee on the judiciary.

On motion of Mr. Trimble, the committee was discharged from the further consideration of the bill entitled "an act to change the time of holding the elections in this State."

Mr. Walker, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills on yesterday handed to the Governor for his approval a resolution instructing our Senators and requesting our Representative to use every honorable exertion to prevent the establishment of a national bank, under any form whatever.

J. G. WALKER.

Mr. Rives, agreeable to notice given, introduced a bill to be entitled "an act for the redemption of real estate, and for other purposes," which was read a first time and ordered to a second reading on to-morrow.

On motion of Mr. Newton, the message from the House of Representatives, enclosing a bill to be entitled "an act for the relief of James Lawson, jr., late sheriff of Pulaski county," was taken up and read.

The bill was read a first time.

On motion of Mr. Newton, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Smith, the bill was referred to a select committee with instructions to report to-morrow morning.

The chair appointed Messrs. Smith, Newton, and Rose said committee.

Mr. Bean, agreeable to notice given, introduced a bill to be entitled "an act to authorize non-residents of this State, and others owning lands and town lots in counties in which they shall not reside, to pay taxes upon such lands and town lots directly into the State treasury, should they prefer so doing."

Which was read a first time.

On motion of Mr. Bean, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Newton, the bill was referred to the committee on ways and means.

Mr. McKean asked and obtained leave to introduce a bill to be entitled "an act for the relief of Ebenezer Frazier, late sheriff of Miller county, which county now forms a part of Texas."

Which was read a first time.

On motion of Mr. McKean, the rules were dispensed with, and the bill read a second time.

Mr. McKean moved to dispense with the rules and read the bill a third time.

Which motion was lost.

On motion of Mr. Trimble, the bill was referred to a select committee, consisting of Messrs. McKean, Trimble, and Smith.

Mr. Neely asked and obtained leave to introduce a bill to be entitled "an act to refund to William Black the State and county taxes paid by him for the purchase of a tract of land, erroneously twice taxed and sold for the same year."

Which was read a first time.

On motion of Mr. Neely, the rules were dispensed with, and the bill read a second time; and on the further motion of Mr. Neely, the bill was referred to a select committee, consisting of Messrs. Neely, Shaw, and Gainer.

Mr. Rives introduced the following:

Mr. President—I would respectfully ask leave of this Senate to appoint three of her body to call on Col. Wm. Pelham, the surveyor general of the U. S. for the State of Arkansas, and request of him to give all the information as to the importance of having the descriptive field notes of each townhip of land in this State, and in what manner they should be placed in the hands of the several clerks of the counties for the use of the county surveyors and the people, cost of each township, the number of townships in the State, the number of surveys completed, and at what time he can complete them, for the information of this Senate.

RIVES.

Which was read, and Messrs. Rives, Trimble and Stell appointed a committee.

Mr. Shaw asked and obtained leave to introduce a bill to be entitled "an act declaring the Buffalo Fork of White river a navigable stream."

Which was read a first time, and ordered to a second reading on tomorrow.

Mr. Smith introduced the following resolution:

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of classifying debts with regard to principal and security, and to report by bill or otherwise.

The bill from the House entitled "an act for the benefit of Redding Busby," was read a recond time, and on motion of Mr. Neely, referred to a select committee, consisting of Messrs. Neely, Rose and Clark.

The bill to change in part the time of holding circuit courts in the first judicial circuit of this State, was read a second time, and on motion of Mr. Neely referred to a select committee consisting of Messrs. Neely, Rives, Irvin, Maxwell and Black.

The bill to be entitled "an act to reduce the rate of interest," was read a second time, and on motion of Mr. Clark, referred to the committee on the judiciary.

The resolution instructing our Senators and requesting our Representative in Congress to use their influence with the Post Master General to have the mails carried twice a week from Jackson via Pocahontas to St. Francis Post office, was read a second time, and ordered to a third reading on to-morrow.

The bill to be entitled "an act for the relief of William K. Sebastian as administrator with the will annexed of the estate of Joseph C. Dunn, deceased," was read a third time, and on motion of Mr. Smith, referred to the committee on the judiciary.

The following message was received from his excellency, the Govenor, by L. J. Reardon, esq., his private secretary:

His excellency has approved your resolution concerning a national bank and upon other subjects. Dec. 5th, 1844.

The bill to amend the 3d and 7th sections of the 109th chapter of the revised code," was read a third time and passed.

The bill from the House entitled "an act concerning limitations," was read a third time, aud the question being taken on the final passage of the bill, it was rejected.

The bill from the House entitled "an act to call in the scrip of Green county," was read a third time and passed.

On motion of Mr. Trimble, the vote taken on the final passage of the bill from the House entitled "an act concerning limitations," was reconsidered, and on motion of Mr. Newton, the bill was referred to the committee on the judiciary.

The resolution from the House instructing our Senators and requesting our Representative in Congress, to use all their influence with the Congress of the United States, to so change and modify the compact entered into between the United States and State of Arkansas, with regard to the donation of the seventy-two sections of land, for the purpose of erecting a seminary of learning, so that the same may be appropriated by the State to common school purposes, was read a second time.

Mr. McKean moved to refer the resolution to a select committee.

Mr. Ficklin moved to lay it on the table for the present.

Which motion prevailed.

The bill to be entitled "an act supplementary to an act entitled an act to survey and mark out the northern boundary line of this State, approved, January 12th, 1843," was read a third time, and Mr. Gaines moved to refer the bill to a select committee.

Mr. Smith moved to refer it to the committee on ways and means.

Mr. Gaines withdrew his motion to refer to a select committee.

Mr. Ficklin moved that the bill be put upon its final passage.

When Mr. Smith withdrew his motion to refer to the committee on ways and means, and the bill was passed.

Mr. Irvin gave notice that on to-morrow he would introduce a bill to be entitled "an act authorizing Merrina Clark, as administrator of the estate of William Clark, deceased, to sell real estate belonging to said estate.

On motiou of Mr. Irvin, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

SATURDAY, *December 7th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate:

The roll being called, it appeared that there were sixteen Senators present.

The journal of yesterday was read.

Mr. Pelham, from the committee on counties and county lines, made the following report:

Mr. President—The standing committee on counties and county lines, to whom was referred the bill to better designate the line between the counties of Crawford and Washington, have had the same under consideration, and have instructed me to report that the proposed line does not reduce the county of Washington below her constitutional limits or population, and would therefore recommend the passage of the bill. PELHAM.

Which report was read and adopted.

The bill to be entitled "an act to better designate the line between the counties of Crawford and Washington," was read a third time and passed.

Mr. Ficklin from a select committee, made the following report:

Mr. President—The select committee to whom was referred the bill to be entitled "an act making penal the obliteration of the poll books of elections," have had the same under consideration, and ask leave to report an additional section to come in as section 2d, and to make section 2d of the original bill section 3d.

All which is respectfully submitted.

FICKLIN, *Chairman Select Committee.*

Which report was read and adopted, and the bill as amended read a third time and passed.

Mr. Trimble on the judiciary, made the following report:

Mr. President—The committee on the judiciary to whom was referred the bill to be entitled "an act for the relief of Darby Pentecost," have had the same under consideration, and a majority thereof instruct me to report, that it appears to said committee, that in the year 1837, the petitioner paid to the sheriff of Phillips county, the sum of five hundred dollars, as a tax for the privilege of keeping a billiard table, in said county; that the said sum of five hundred dollars, was paid into the treasury of the State; that subsequent to the payment of said sum of money, the law under which the same was paid, was declared by the supreme court of this State, to be unconstitutional and void. A majority of your committee therefore are of opinion, that said sum of money was exacted of said Pentecost without the sanction of the constitution.

All which is respectfully submitted.

WM. TRIMBLE, *Chairman*
of Judiciary Committee.

Which was read, and the question being on the adoption of the report, Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 11, nays 12, as follows:

Yeas—Messrs. Black, Clark, Gainer, Irvin, McKean, Neely, Newton, Rives, Stell, Trimble and Yell—11.

Nays—Messrs. Bean, Ficklin, Gaines, Hudson, McCamy, Mitchell, Pelham, Reyburn, Rose, Shaw, Walker and Mr. President—12.

So the report was rejected, and the bill thereby lost.

Mr. Neely from a select committee made the following report:

Mr. President—The select committee to whom was referred the bill to be entitled "an act for the benefit of Redding Busby," have had the same under consideration, and have instructed me to report the bill back to the Senate without any amendment, and recommend the passage of the same.

C. NEELY.

The bill was then read a third time and passed.

Mr. Ganies from a select committee made the following report:

Mr. President—The select committee composed of the Senators from the 7th judicial circuit have had under consideration the bill entitled "an act prescribing the time of holding the circuit courts in the 7th judicial circuit," and a majority have instructed me to report the accompanying bill as a substitute, and recommend its passage.

Respectfully,submitted. J. F. GAINES.

Which was read.

Mr. Rose moved to reject the report.

Which was lost.

The question was then taken on adopting the substitute reported by the committee in lieu of the original bill, and it was lost.

On motion of Mr. Rose, the original bill from the House was read a third time.

Mr. Gaines moved to amend as follows:

"That the courts shall be held in the county of Scott on the 4th Mondays in February and August."

Mr. Bean moved a reconsideration of the vote taken on the adoption of the substitute in lieu of the original bill, and the question being taken on Mr. Bean's motion, it was carried.

Mr. Trimble moved to amend as follows:

"Strike all of the second section after the word August, in the 15th line."

Which amendment was adopted.

Mr. Gaines called for the yeas and nays on the adoption of the substitute, which being ordered, were yeas 15, nays 9, as follows:

Yeas—Messrs. Bean, Black, Clark, Gainer, Gaines, Hudson, McKean, Neely, Newton, Reyburn, Rives, Stell, Trimble, Walker and Mr. President—15.

Nays—Messrs. Ficklin, Irvin, Maxwell, McCamy, Mitchell, Pelham, Rose, Shaw and Yell—9.

So the substitute was adopted.

On motion of Mr. Rose, the bill was read a third time and passed.

Mr. Gainer from the select committee to whom was referred the petition of David Castleberry, made the following report:

Mr. President—The select committee to whom was referred the petition of David Castleberry praying that the marriage between him and his wife, Pennia, be legalized, and that his children by said Pennia be declared to be his legal heirs, have had that subject under consideration, and would respectfully beg leave to submit the following bill as their report and request that the same may be passed.

GAINER, *Chairman.*

The bill to be entitled "an act to legalize the marriage of David Castleberry and his wife Penina, and making the children of the said Castleberry, by the said Penina, his legal heirs," accompanying the above report, was read a first time, and ordered to a second reading on Monday next.

Mr. Neely from a select committee, made the following report:

Mr. President—The select committee to whom was referred a bill to be entitled "an act to change the time of holding the circuit courts in part of the first judicial circuit," have had the same under consideration, and I am instructed to report the bill back to the Senate without an amendment, and recommend the passage of the same.

C. NEELY, *Chairman*
of Select Committee.

The bill to be entitled "an act to change the time of holding the circuit courts in part of the first judicial circuit," was read a third time and passed.

Mr. Irvin agreeable to notice given, introduced a bill to be entitled "an act to authorize Marrina Clark, administratrix of the estate of William Clark, deceased, to sell and dispose of real estate which belongs to said estate."

Which was read a first time, and ordered to a second reading on Monday next.

Mr. Ficklin asked and obtained leave to introduce a bill to be entitled "an act prescribing an easy mode of collecting debts."

Which was read a first time, and ordered to a second reading on Monday next.

Mr. Newton asked and obtained leave to introduce a bill to be entitled "an act supplementary to an act to establish a system of common schools in the State of Arkansas, approved 3d February, 1843."

Which was read a first time.

On motion of Mr. Trimble, the rules were dispensed with, and the bill read a second time by title, and referred to the committee on education.

Mr. Rose from a select committee, made the following report:

Mr. President—The select committee to whom was referred the bill for the relief of James Lawson, jr., late sheriff of Pulaski county, have had the same under consideration, and report the same without amendment.

ROSE, *Chairman*
of Select Committee.

The bill from the House, accompanying the above report, entitled "an act for the relief of James Lawson, jr., late sheriff of Pulaski county," was read a third time and passed.

Mr. Rives introduced a memorial to the United States, asking a donation of $580,000 for the construction of levees along the banks of the Arkansas and Mississippi rivers.

Which was read a first time, and ordered to a second reading on Monday next.

Mr. Maxwell from a select committee, made the following report:

Mr. President—The select committee to whom was referred a resolution concerning the establishment of a mail route from Lewisburg in Conway county, to Searcy in White county, have had the same under consideration, and have instructed me to report the same with the following amendments, to wit:

Strike out all after the word "at," in the 7th line, and insert in lieu thereof the following: Old Dwight, in Pope county, thence to Glasses village, in Conway county; thence to Jonathan Hardin's; thence to Searcy, in White county; thence to the Chickasaw crossing, in Jackson county; thence to St. Francis post office, in St. Francis county.

And be it further resolved, That our Senators be instructed and our Representative in Congress requested to use their influence in the Congress of the United States, to have a weekly mail route established, commencing at Batesville, in Independence county, State of Arkansas, and thence by way of Heath's ferry, on White river, the Richwoods and Richard George's, in Izard county, to Lebanon, in Searcy county, in said State.

DAVID MAXWELL, *Chairman.*

Which report was read and adopted.

The resolution from the House as amended by the foregoing report, was read a third time and passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

I am instructed to inform your honorable body, that the House of Representatives have passed "an act to pay electors of President and Vice President:"

Also, "an act for the relief or Willis S. Smith, late sheriff and collector of Clark county:"

Also, "an act to incorporate the town of Camden:"

And also, "an act reducing the price of the 500,000 acres donation of land:"

All of which are herewith submitted for the assent of the Senate.

On motion of Mr. Yell, the above message was taken up and read.

The bill from the House, entitled "an act making appropriation to pay electors of President and Vice President," was read a first time.

On motion of Mr. Yell, the rules were suspended, and the bill read a second time by title.

Mr. Bean moved to refer the bill to the committee on ways and means.

Mr. Black moved to dispense with the rules, and read the bill a third time.

Mr. Bean withdrew his motion to refer, and the question was taken on Mr. Black's motion, and the rules were dispensed with, and the bill read a third time and passed.

The bill from the House, entitled "an act for the relief of Willis S. Smith, late sheriff and collector of Clark county," was read a first time, and ordered to a second reading on Monday next.

The bill from the House, entitled "an act to incorporate the town of Camden," was read a first time.

On motion of Mr. Clark, the rules were dispensed with, and the bill read a second time by title.

And on further motion of Mr. Clark, the rules were again dispensed with, and the bill read a third time and passed.

Mr. Ficklin moved that the Senate adjourn.

Which was lost.

On motion of Mr. Yell, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

MONDAY, *December* 9*th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were seventeen Senators present.

The journal of the 7th inst. was read.

Mr. Trimble from the committee on the judiciary, made the following report:

Mr. President—The judiciary committee to whom was referred the bill to be entitled "an act to require the judges of the circuit court to interchange circuits, and hold courts for each other," have had the same under consideration, and instruct me to report the same with the following amendments, viz:

Strike out the words "and forty-six," at the end of the 1st section, 2d section and 3d section of said bill.

Which is respectfully submitted.

WM. TRIMBLE, *Chairman*
Judiciary Committee.

Which report was adopted, and the bill as amended, read a third time, and the question shall the bill pass being put,

Mr. Clark moved a reconsideration of the vote adopting the report.

Which motion prevailed.

And on further motion of Mr. Clark, the report was rejected.

The bill was then read a third time, and passed.

Mr. Gaines from the committee on ways and means, made the following report:

Mr. President—The committee of ways and means have had under consideration the bill entitled "an act to authorize non-residents of this State, and others owning lands and town-lots in counties in which they shall not reside, to pay taxes upon such lands and town-lots directly into the State treasury, should they prefer so doing," and have instructed me to report the same back with the following amendment, to wit:

Amend the 8th section in the 27th line, by inserting after the word "collector," "knowingly."

All which is respecfully submitted.

J. F. GAINES, *Chairman.*

Which was adopted, and the bill as amended, being read a third time,

Mr. Pelham called for the yeas and nays on its final passage, which being ordered, were yeas 17, nays 8, as follows:

Yeas—Messrs. Bean, Clark, Ficklin, Gaines, Gainer, Hudson, McCamy, Mitchell, McKean, Newton, Reyburn, Rives, Rose, Shaw, Smith, Stell and Trimble—17.

Nays—Messrs. Black, Irvin, Maxwell, Neely, Pelham, Walker, Yell and Mr. President—8.

So the bill was passed.

Mr. Trimble from the committee on the the judiciary, made the following report:

Mr. President—The committee on the judiciary to whom has been referred the bill to be entitled "an act to reduce the rate of interest," have had the same under consideration, and instruct me to report the same back to the Senate, and recommend its passage.

Also, a bill to be entitled "an act concerning limitations," and instruct me to report the same back to the Senate, with the following amendments: Strike out "fourteenth" in the second line of the fifth section; also, strike out, "thirty-fifth" in the third line of same section and insert in second line of same section, after the word "thirtieth," the word "and."

Also, a bill to be entitled "an act for the relief of Wm. K. Sebasian, as administrator with the will annexed, of the estate of Joseph C. Dunn, deceased," and instruct me to report that it is their opinion that the legislature have no power, by legislation, to deprive minor heirs of any rights they may have to real estate; and that the probate court have all the power over the subject, which can be exercised either by legislative or judicial authority, and ask to be discharged from the further consideration of the bill.

Wm. TRIMBLE, *Chairman*
Judiciary Committee.

The bill to be entitled "an act to reduce the rate of interest," being then read a third time,

Mr. Rose offered the following amendment:

Amend by striking out the word "six" in the fifth line, and insert "five."

Mr. Ficklin offered to amend the amendment offered by Mr. Rose, as follows:

Strike out "five" and insert "three."

Which was rejected.

Mr. Mitchell called for the yeas and nays on the adoption of the amendment, which being ordered, were yeas 6, nays 19, as follows:

Yeas—Messrs. Bean, Clark, Ficklin, Gaines, Maxwell and Rose—6.

Nays—Messrs. Black, Gainer, Hudson, Irvin, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Shaw, Smith, Stell, Trimble, Walker, Yell and Mr. President—19.

So Mr. Rose's amendment was rejected.

Mr. Walker offered to amend as follows:

Strike out after the word "lent" in the 9th line until the word "on" in the 13th line of the 1st section.

Mr. Newton moved to lay the bill and amendment on the table for the present.

Mr. Black moved to refer the bill and amendment to the committee on ways and means.

Mr. Ficklin called for the yeas and nays on Mr. Newton's motion to lay on the table, which being ordered, were yeas 17, nays 8, as follows:

Yeas—Messrs. Bean, Clark, Ficklin, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Shaw, Smith, Stell, Trimble and Yell—17.

Nays—Messrs. Black, Gainer, Pelham, Reyburn, Rives, Rose, Walker and Mr. President—8.

So the bill and amendment was laid on the table for the present.

Mr. Walker moved to take up the resolution to amend the constitution of the State of Arkansas.

Which motion was decided to be out of order.

The bill to be entitled "an act concerning limitations," reported back by the committee on the judiciary, was read a third time, as amended by said committee, and passed.

The bill entitled "an act for the relief of William K. Sebastian, administrator with the will annexed of the estate of Joseph C. Dunn, deceased," reported back by the committee on the judiciary, was read a third time.

Mr. Trimble moved to lay the bill and report on the table for the present

Upon which motion, Mr. Gainer called for the yeas and nays, which being ordered, were yeas 10, nays 14, as follows, to wit:

Yeas—Messrs. Ficklin, Gaines, Irvin, Maxwell, McKean, Newton, Rives, Smith, Trimble and Yell—10.

Nays—Messrs. Bean, Clark, Gainer, Hudson, McCamy, Mitchell, Neely, Pelham, Reyburn, Rose, Shaw, Stell, Walker and Mr. President—14.

So the report and bill were not laid on the table.

Mr. Gainer moved to adopt the report, and called for the yeas and nays, which being ordered, were yeas 20, nays 5, as follows:

Yeas—Messrs. Bean, Black, Clark, Gainer, Hudson, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell and Mr. President—20.

Nays—Messrs. Ficklin, Irvin, Maxwell, Reyburn, Rives—5.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have assented to the bill of the Senate entitled "an act for the relief of Isaac N. Jackson, sheriff of Sevier county."

Which is herwith returned.

The House withhold their assent to the amendment of the Senate to the bill of the House, entitled "an act to amend an act entitled an act to prohibit the emigration and settlement of free negroes or free persons of color into this State, approved 20th January, 1843," and have appointed Messrs. Trapnall, Fowler, Mayers, Booker and Dorriss a committee of conference on the part of the House, to confer with such committee as may be appointed on the part of the Senate.

The House also withhold their assent to the substitute of the Senate, to the bill of the House, entitled "an act prescribing the time of holding the circuit courts in the 7th judicial circuit," and have appointed Messrs. Mayers, Scott, Floyd, Alston and Simmons a committee of conference on the part of the House, to confer with such committee as may be appointed on the part of the Senate.

The House of Representatives have passed a bill to be entitled "an act for the relief of Samuel M. Hays, late sheriff and collector of Pope county."

Which is herewith transmitted to the Senate for their assent.

Mr. Walker moved to dispense with the rules, and take up the resolutions to amend the constitution of the State of Arkansas.

Which motion was lost.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have assented to the bill of the Senate, entitled "an act for the relief of Milton Sanders, late sheriff of White county."

Which is herewith returned.

Mr. Yell from the judiciary made the following report:

Mr. President—The committee on the judiciary to whom was referred the resolution to cause two additional columns to be added to the poll books of the next general elections in the year 1846, one headed viva voce, and the other headed ballot, have had the same under consideration, and instructed me to report the following bill as a substitute for the same.

YELL, *Senator.*

Which report was read and adopted.

The bill reported as a substitute for the resolution by the committee, entitled "an act regulating poll books for the *viva voce* or ballot system of voting," was read a third time and passed.

Mr. Neely from a select committee, made the following report:

Mr. President—The select committee to whom was referred a bill to be entitled "an act to refund to William Black, the State and county taxes paid by him for the purchase of a tract of land erroneously twice taxed and sold for the same year," have had the same under consideration, and I am instructed to report the bill back to the Senate, and recommend the passage of the same.

NEELY.

The bill was read a third time and passed.

Mr. Newton asked and obtained leave to introduce a bill to be entitled "an act supplementary to an act to place the bank of the State of Arkansas in liquidation, approved 31st January, 1843."

Which was read a third time.

On motton of Mr. Newton, the rules were dispensed with, and the bill read a second time by title.

On motion of Mr. Smith, the bill was ordered to be printed.

On motion of Mr. Black the bill was referred to the committee on banks.

Mr. Ficklin asked and obtained leave to introduce a bill to be entitled "an act to amend an act entitled an act to place the bank of the State of Arkansas in liquidation, approved 3d February, 1843."

Which was read a first time.

On motion of Mr. Newton, the rules were dispensed with, and the bill read a second time, and referred to the committee on banks.

Mr. Ficklin asked and obtained leave to introduce a bill to be entitled "an act to repeal the 20th, 21st and 22d sections of the 39th chapter of the revised statutes of the State of Arkansas."

Which was read a first time, and ordered to a second reading on tomorrow.

Mr. McKean from a select committee, made the following report:

Mr. President—The select committee to whom was referred the bill to be entitled "an act for the relief of Ebenezer Frazers, late sheriff of Miller county, which county now forms a part of Texas," have had the same under consideration, and have instructed me to report, that it appears to the committee from satisfactory evidence that the citizens of Miller county would not pay the taxes to said sheriff, as they considered themselves as citizens of the republic of Texas. The committee therefore recommend the passage of the bill.

McKEAN.

Which report was adopted, and the bill read a third time and passed.

Mr. Black moved that the Senate adjourn.

Which motion was lost.

The bill from the House entitled "an act for the relief of Willis S. Smith, late sheriff and collector of Clark county," was read a second time, and on motion of Mr. Hudson, referred to a select committee consisting of Messrs. Hudson, Mitchell and Shaw.

The bill to be entitled "an act legalizing the marriage of David Castleberry and his wife Penina, and making the children of the said Castleberry by the said Penina, his legal heirs," was read a third time.

Mr. Walker moved to amend by striking out the first section of the bill; but afterwards withdrew his motion, and the bill passed.

An act to be entitled "an act prescribing an easy mode of collecting debts," was read a second time.

On motion of Mr. Ficklin, the bill was referred to a select committee, consisting of Messrs. Ficklin, Gainer and Maxwell.

The bill to be entitled "an act to authorize Marrina Clark, as administratrix of the estate of William Clark, deceased, to sell real estate," was read a second time.

Mr. Gainer moved to refer the bill to the committee on the judiciary.

Mr. Clark moved to refer to the committee on banks.

The question was taken on Mr. Gainer's motion, and carried.

On motion of Mr. Ficklin, the resolutions to amend the constitution of the State of Arkansas were taken up.

On motion of Mr. Trimble, the resolutions on the same subject from the House were taken up.

The first section of the 1st article of amendment of the Senate was read.

Mr. Newton offered to amend by inserting after the word "chief justice," in the first line of said section, "who shall always reside at or within 25 miles of the seat of goverment."

Which was adopted.

Mr. Yell offered to amend by inserting after the words "supreme court," the following:

"Circuit courts, probate courts, county courts and justices of the peace."

Mr. Gaines moved to refer all the resolutions and amendments to the committee on the judiciary.

Mr. Smith moved to refer them to a select committee,

When Mr. Gaines withdrew his motion, and the motion of Mr.

Smith prevailed, and Messrs. Smith, Ficklin and McCamy appointed said committee.

On motion of Mr. Gainer the Senate adjourned.

JOHN WILLIAMSON, *President*
of the Senate.

TUESDAY, *Dec.* 10*th*, 1844.

The Senate met pursuant to adjournment.

The roll being called, it appeared that there were twenty members present.

The journal of yesterday was read.

Mr. McKean presented a memorial to the Congress of the United States, asking an appropriation of $150,000 for the removal of the Red river raft, which was read a first time, and ordered to a second reading on to-morrow:

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body that the House of Representatives have passed "an act to provide for the election of school commissioners, and disposition of section No. 16, in township No. 13, north of range No. 6. W."

Also, an "act to change the time of holding the probate courts in the counties of Washington, Benton, Madison, Johnson, Hempstead, and Lawrence."

Also, "an act to amend the second section of an act entitled an act, concerning forfeited lands."

Also, a resolution memorializing the Congress of the United States to pass a law to extinguish the Indian titles on the western frontier,"

And also, a "resolution instructing our Senators and requesting our Representative in Congress to adopt some speedy measure to secure the immediate annexation of the territory of Texas to that of the United States of America."

All of which is herewith transmitted for the assent of the Senate.

Mr. Smith from a select committee, made the following report:

The select committee to whom was referred the varions resolutions to amend the constitution of the State of Arkansas, have had the different resolutions and amendments under consideration, and have instructed me to recommend to the Senate the passage of the first and third, and fifth articles of the printed resolutions of the Senate, with the following amendment.

In article first, of the printed resolutions of the Senate, after the word "court" in the first line, add, "which shall consist of one chief justice and two associate judges."

All which is respectfully submitted.

SMITH.

Which was read.

Mr. Trimble moved to refer the report and amendments to the commitiee of the whole, and make them the order of the day for to-morrow:

Upon which motion, Mr. Walker called for the yeas and nays, which being ordered, were yeas 9, nays 15, as follows:

Yeas—Messrs Bean, Clark, Gainer, Hudson, McKean, Rives, Stell, Trimble and Yell—9.

Nays—Messrs. Black, Ficklin, Gaines, Irvin, Maxwell, McCamy, Mitchell, Neely, Pelham, Reyburn, Rose, Shaw, Smith Walker and Mr. President—15.

So the motion to refer to the committee of the whole was lost.

Mr. McCamy moved the adoption of the report of the committee;

Upon which motion, Mr. Walker called for the yeas and nays, which being ordered, were yeas 17, nays 8, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Hudson, Irvin, Maxwell, McCamy, Mitchell, Neely, Pelham, Reyburn, Rose, Shaw, Smith, Stell, Walker and Mr. President—17.

Nays—Messrs. Clark, Gainer, Gaines, McKean, Newton, Rives, Trimble and Yell—8.

So the report was adopted.

The first article of the amendment proposed by the committee was read, as follows, a third time.

"ARTICLE 1ST.

The judicial power of the State of Arkansas, shall be vested in one supreme court, which shall consist of one chief justice, and two associate judges, and in such inferior courts as the Legislature of the State of Arkansas, may, from time to time ordain and establish, with such jurisdiction as may be prescribed by law.

The judges of both the supreme and inferior courts shall hold their offices for the time prescribed by the constitution, and receive for their services, a compensation which shall not be diminished or increased during their continuance in office."

The question being on the final passage or adoption of the 1st article, Mr. Smith called for the yeas and nays.

Mr. Gaines offered the following as a substitute of the 1st article, to-wit:

Resolved by the General Assembly af the State of Arkansas: That they do propose the following amendments to the constitution of this State.

1. No bank or banking institution, shall be hereafter incorporated or established in this State.

2. The General Assembly hall have power to compel the judges of the circuit courts to interchange circuits, either temporarily or permanently, under such regulations as may be provided by law.

3. The General Assembly shall have power to confer such jurisdiction as it may from time to time deem proper, on justices of the peace, in all matters of contract, and in actions for the recovery of fines and forfeitures, where the amount claimed does not exceed one hundred dollars; and in actions and prosecutions for assault and battery, and other penal offences, less than felony, which may be punishable by fine only.

4. Judges of the supreme and circuit courts, clerks of the supreme and circuit courts, attorneys for the State, sheriffs, coroners, county treasurers, justices of the peace, constables, and all other officers whose term is fixed by the constitution to a specific number of years, shall hold their respective offices for the term now specified, and untill their successors are elected and qualified."

Mr. Yell offered the following amendment, to come in after the words, "supreme court," to wit: "circuit courts, probate courts, county courts, and justices of the peace."

Mr. Ficklin moved the previous question on the amendment or substitute of Mr. Gaines, and called for the yeas and nays on his motion to reject it.

The question, shall the main question be now put, was stated from the chair and sustained by the Senate.

The yeas and nays were then ordered on Mr. Ficklin's motion to reject the substitute proposed by Mr. Gaines, and were yeas 13, nays 12.

Yeas—Messrs. Black, Clark, Ficklin, Hudson, Irvin, Maxwell, McCamy, Mitchell, Reyburn, Smith, Walker, Yell, and Mr. President—13.

Nays—Messrs. Bean, Gainer, Gaines, McKean, Neely, Newton, Pelham, Rives, Rose, Shaw, Stell and Trimble—12.

So the substitute offered by Mr. Gaines was rejected.

Mr. Black moved the previous question on the amendment offered by Mr. Yell.

Which motion was sustained by the Senate.

Mr. Black then called for the yeas and nays on his motion to reject, which being ordered, were yeas 14, nays 10, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Hudson, Maxwell, McCamy, Mitchell, Neely, Pelham, Reyburn, Rose, Shaw, Smith, Walker and Mr. President—15.

Nays—Messrs. Clark, Gainer, Gaines, Irvin, McKean, Newton, Rives, Stell, Trimble and Yell—10.

So the amendment offered by Mr. Yell was rejected.

Mr. Smith moved the previous question on the final passage or adoption of the first article of the amendment to the constitution, reported by the committee, but afterwards withdrew his motion, to give Mr. Newton an opportunity to offer an amendment to said article.

Mr. Newton then offered the following amendment, to come in after the word "chief justice," to-wit: "who shall reside within 25 miles of the seat of government, and called for the yeas and nays on its adoption, which being ordered, were yeas 11, nays 14, as follows:

Yeas—Messrs. Bean, Clark, Gainer, Irvin, McKean, Neely, Newton, Reyburn, Rives, Shaw and Trimble—11.

Nays—Messrs Black, Ficklin, Gaines, Hudson, Maxwell, McCamy, Mitchell, Pelham, Rose, Smith, Stell, Walker, Yell and Mr. President—14.

So the amendment offered by Mr. Newton was rejected.

Mr. Newton then moved the previous question on the adoption or final passage of the first article, which motion was sustained by the Senate.

Mr. Smith having called for the yeas and nays, they were ordered, and were, yeas 21, nays 4, as follows:

Yeas—Messrs Bean, Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Walker and Mr. President—21.

Nays—Messrs. Clark, Newton: Trimble and Yell—4.

So the first article of the amendment reported back by the committee, was passed or adopted by the constitutional majority.

The second article of the amendments reported by the committee, was read a third time, as follows:

ARTICLE 2D.

The Legislature may from time to time, prescribe the mode of electing the county court judge and judges, and a judge of the court of probate and justices of the peace, who shall continue in office for the term of two years, and until their successors are elected and qualified, and have such jurisdiction as the Legislature may from time to time prescribe by law.

On the final passage or adoption of the 2d article, Mr. Smith moved the previous question, which was sustained by the Senate.

Mr. Smith called for the yeas and nays, which being ordered, were yeas 22, nays 3, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker and Mr. President—22.

Nays—Messrs. Clark, Newton and Yell—3.

So the second article was passed or adopted by the constitutional majority.

The third article of the amendments reported by the committee, was read a third time, as follows:

ARTICLE 3D.

The General Assembly shall have no power to incorporate any banking institution whatever, nor shall the faith and credit of the State be pledged to raise funds for any purpose, except to pay the expenses to be incurred by invasion or rebellion, and to defray the ordinary expenses of the State; unless a proposition for the purpose be read at a regular session of the General Assembly, and two thirds of all the members elected to each House concur therein, in which case, such proposition shall be published with the acts of the Assembly of that session, and shall also be published for two months in all the newspapers printed in this State, previous to the next election for members to the next General Assembly thereafter, and shall be continued until the next regular session of the General Assembly, at which time, if the same shall be passed by two thirds of the members elected to each House, it shall become a law, provided that the said proposition shall be read on three several days, in each House, as well as at the session when it shall become a law. And the vote upon the third reading at each session, and in each House, shall be taken by yeas and nays, and entered upon the journal."

Mr. Trimble moved to amend by striking out all after the word "whatsoever" in the first line of the printed amendment to the end of the article.

Upon this motion, Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 3, nays 22, as follows:

Yeas—Messrs. Clark, Newton and Trimble—3.

Nays—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Walker, Yell, and Mr. President —22.

So the motion to strike out was lost.

The question being on the final passage or adoption of the 3d article as reported by the committee.

Mr. Black moved the previous question, which motion was sustained by the Senate.

Mr. Black called for the yeas and nays on the final passage or adoption of the 3d article, which being ordered, were yeas 24, nays 1, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell and Mr. President—24.

The Senator who voted in the negative, is Mr. Clark.

So the 3d article was finally passed or adopted by the constitutional majority.

The fourth article reported back by the committee was read a third time, as follows:

ARTICLE 4.

That the second section, under the head of "revenue," be repealed, and the following substituted, to-wit:

All property subject to taxation, shall be taxed according to its value, which value shall be ascertained in the manner prescribed by law, making the same uniform and equal throughout the State. No one species of property from which a tax may be collected shall be taxed any higher than any other species of property of equal value, *Provided*, that the General Assembly shall have power to tax all houses and other improvements on town lots, and lay an additional tax on land for making roads, and to tax merchants, hawkers, pedlers, privileges, and all devices for gaming in such manner as may be prescribed by law. *And provided further*, That no other or greater amount of revenue shall at any time be levied, than is required for the necessary expenses of the government, unless by a concurrence of two thirds of both Houses of the General Assembly. That the fourth section under the head of "revenue" be repealed.

The question being on the final passage or adoption of it,

Mr. Smith moved the previous question, which motion was sustained by the Senate.

Mr. Smith called for the yeas and nays, which being ordered, were yeas 23, nays 2, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell and Mr. President—23.

Nays—Messrs. Clark and McKean—2.

So the 4th article reported by the committee was finally passed or adopted by the constitutional majority, and the whole transmitted to the House of Representatives for their assent or concurrence.

Mr. Mitchell from the committee on enrolled bills, made the following report:

Mr. President,—The committee on enrolled bills have examined an act for the relief of Isaac N. Jackson, sheriff of Sevier county.

Also, an act for the relief of Milton Sanders, late sheriff of White county, and have instructed me to report the same correctly enrolled.

MITCHELL.

Mr. Maxwell asked and obtained leave to introduce a bill to be entitled "an act to authorize the sale of all the slaves belonging to the estate of John Magness, late of White county, deceased,"

Which was read a first time.

On motion of Mr. Maxwell, the rules were dispensed with, and the bill was read a second time, and ordered to a third reading on to-morrow.

Mr. Pelham introduced a bill to be entitled "an act" supplementary to an act to distribute the revised statutes of Arkansas among the several counties of this State, which was read a first time, and ordered to a second reading on to-morrow.

Mr. Black asked and obtained leave to introduce a bill to be entitled "an act to change the times of holding the probate and county courts of Randolph county, which was read a first time.

On motion of Mr. Black, the rules were dispensed with, and the bill read a second time by title.

And on further motion of Mr. Black, the bill was referred to a select committee, consisting of Black, Pelham and Shaw.

Mr. Bean introduced the following resolution.

Resolved, That no new bill shall be introduced into the Senate or House of Representatives after the 15th inst., and that the House is asked to concur herein.

The question being on the adoption of the resolution.

Mr. Bean called for the yeas and nays, which being ordered, were, yeas 20, nays none.

Yeas—Messrs. Bean, Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Neely, Pelham, Reyburn, Rose, Shaw, Stell, Trimble, Walker, Yell and Mr. President—20.

Nays—none.

So the resolution was adopted, and the House informed thereof.

On moton of Mr. Walker, the message from the House of Representatives received on yesterday, was taken up and read.

The bill from the House, entitled "an act for the relief of Samuel M. Hays, late sheriff and collector of Pope county," was read a first time.

On motion of Mr. Walker, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Walker, the rules were again dispensed with, the bill read a third time and passed, and transmitted to the House of Representatives, where it originated.

Mr. Trimble gave notice, that on to-morrow, he would ask leave to introduce a bill concerning the property of married women.

Mr. Ficklin moved that the Senate adjourn.

Which motion was lost.

Mr. Clark moved that the Senate appoint a committee of conference to confer with Messrs. Trapnall, Fowler, Mayers, Booker and Dorris, the committee appointed on the part of the House of Representatives on the disagreement between the two Houses, on the bill of the House entitled "an act to prohibit the emigration and settlement of free negroes or free persons of color into this State," approved January 10th, 1843.

Which motion prevailed, and Messrs. McKean, Gaines and Ficklin, were appointed a committee on the part of the Senate.

On motion of Mr. Clark, Mr. Yell was added to the committee.

Mr. Gaines moved that a committee of conference be appointed on part of the House of Representatives, on the disagreement between the two Houses, on the bill of the House, and the substitute therefor of the Senate, entitled "an act prescribing the time of holding the circuit courts in the seventh judicial circuit."

Which motion prevailed, and Messrs. Gaines, Rose and Stell, appointed a committee on part of the Senate.

Mr. Ficklin, from a select committee, made the following report:

The select committee to whom was referred the bill to be entitled "an act prescribing an easy mode of collecting debts," have had the same under consideration, and beg leave to recommend the following sections as amendments: sections 5 and 6, and making section 5 of the original bill, section 7 of said bill.

All of which is respectfully submitted.

FICKLIN, *Chairman,*
Select Committee.

Mr. Newton moved to lay the bill and report on the table indefinitely.

Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 9, nays 12, as follows:

Yeas—Messrs. Clark, Gaines, Hudson, McKean, Neely, Newton, Pelham, Trimble and Yell—9.

Nays—Messrs. Bean, Ficklin, Gainer, Maxwell, McCamy, Mitchell, Reyburn, Rose, Shaw, Stell, Walker and Mr. President—12.

So the motion to lay on the table indefinitely, was lost.

On motion of Mr. Ficklin, the report was adopted.

On motion of Mr. Ficklin, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

WEDNESDAY, *December* 11*th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate.

The roll being called, it appeared that there were twenty Senators present.

The journal of yesterday was read.

Mr. Trimble, agreeably to notice given, introduced a bill to be entitled "an act to secure the property of married women."

Which was read a first time and ordered to a second reading on to-morrow.

The bill to be entitled "an act for the redemption of real estate and for other purposes," was read a second time; and, on motion of Mr. Rives, was referred to the committee on the judiciary.

The bill to be entitled "an act declaring the Buffalo fork of White river a navigable stream, was read a second time and ordered to a third reading on to-morrow.

The bill to be entitled an act to repeal the 20th, 21st and 22d sections of the 39th chapter of the revised statutes of Arkansas, was read a second time, and ordered to a third reading on to-morrow.

The resolution instructing our Senators and requesting our Representative in Congress to use their influence with the Postmaster General, to have mails carried twice a week from Jackson via Pocahontas to St. Francis post-office, was read a third time and passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

"*Mr. President*,—I am instructed to inform your honorable body, that the House of Representatives have adopted the following resolution:

Resolved, That in the opinion of this House, there is nothing in the acts and doings of Col. Seveir, as commissioner for the disposal of the bonds, deserving of blame or censure; but on the contrary, this House feel warranted, from a full investigation of the whole matter, in approving of the course pursued by said Sevier, who in the opinion of this House, acted in good faith, with an eye single to the general interest of the State and the bank; and that the Senate be requested to concur herein.

Which is respectfully submitted.

Have also adopted the report of the committee raised by joint resolution to investigate the subject matter of the petition of the Hon. A. H. Sevier."

The bill to be entitled "an act supplementary to an act to distribute the revised statutes of Arkansas among the several counties in the State," was read a second time.

Mr. Smith moved to refer the bill to the committee on the judiciary.

Which was lost.

On motion of Mr. Pelham, the bill was referred to a select committee, consisting of Messrs. Pelham, Yell, and Shaw.

The bill to be entitled "an act to authorize the sale of all the slaves belonging to John Magness, late of White county, deceased," was read a third time; and the question being on the final passage of the bill, Mr. Gainer called for the yeas and nays, which being ordered, were yeas 13, nays 12, as follows:

Yeas—Messrs. Black, Ficklin, Hudson, Irvin, Maxwell, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Walker and Yell—13.

Nays—Messrs. Bean, Clark, Gainer, Caines, McCamy, Mitchell, McKean, Neely, Smith, Stell, Trimble, and Mr. President—12.

So the bill was passed.

The memorial to the Congress of the United States, asking for an appropriation of $580,000 for the construction of levees along the banks of the Arkansas and Mississippi rivers, was read a second time.

On motion of Mr. Trimble, the rules were dispensed with, and the memorial was read a third time.

The question being on the passage of the memorial, Mr. Smith called for the yeas and nays, which being ordered, were yeas 21, nays 4, as follows:

Yeas—Messrs. Bean, Clark, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Trimble, Yell, and Mr. President—21.

Nays—Messrs. Black, Ficklin, Smith, and Walker—4.

So the memorial was passed.

Mr. Newton, from the committee on education, made the following report:

Mr. President—The standing committee on education, to which was referred the resolution of enquiry "whether any change is necessary in the present laws on the subject of common schools;"

And also the bill supplementary to an act to establish a system of common schools in the State of Arkansas;

Have had the same under consideration, and believing that some additions are necessary to the laws now in force on the subject of common schools, have embraced in several amendments to said bill all that they deem essential at this time, and herewith report the same together with the bill, and recommend the passage thereof to the Senate.

NEWTON.

Which report and amendments were read and adopted.

The bill, as amended, was then read and passed.

On motion of Mr. McCamy, the message received from the House of Representatives this morning, accompanying the petition of the Hon. A. H. Sevier, was taken up and read; when Mr. Yell made the following report:

Mr. President—The joint select committee raised for the purpose of acting on the petition of A. H. Sevier, have had that subject under consideration, and have made a report, which has been delivered to the House of Representatives, with a resolution thereto affixed, requesting the Senate to concur therein.

YELL, *Chairman.*

Which report, and the report referred to from the House of Representatives, were read.

Mr. Trimble moved to lay the report and resolution on the table indefinitely, and called for the yeas and nays, which being ordered, were yeas 6, nays 17, as follows:

Yeas—Messrs. Bean, Neely, Newton, Trimble and Mr. President —6.

Nays—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Pelham, Reyburn, Rose, Rives, Smith, Walker, and Yell—17.

So the motion to lay on the table, was lost.

Mr. McCamy moved to concur in the resolution.

Mr. Bean moved a call of the Senate, which being ordered, the following Senators answered to their names.

Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Smith, Trimble, Walker, Yell, and Mr. President —22.

The sergeant-at-arms was required to bring in the absent members; who retired from the Senate chamber for a short time, and returned with Messrs. Shaw and Stell.

Mr. Trimble moved to dispense with the call; which was lost.

On motion of Mr. Newton, the rules were dispensed with, requiring a call of the Senate.

Mr. Newton moved that the Senate adjourn; which was lost.

Mr. Yell moved that the Senate take a recess until 6 o'clock, P. M.

Which motion was lost.

Mr. Trimble moved that the Senate adjourn.

Which was lost.

Mr. Ficklin moved the previous question on the adoption of the report and resolutions from the House.

Which motion was not sustained by the Senate.

On motion of Mr. Gainer, the Senate took a recess until 6 o'clock P. M.

At six o'clock P. M., the Senate convened.

Mr. President ordered a call of the Senate.

The roll was called, and every Senator answered to his name.

Mr. Ficklin called for the yeas and nays on the adoption of the report and resolution.

Mr. Clark called for a division of the question on the report and resolution.

Upon which call, Mr. Trimble called for the yeas and nays, which being ordered, were yeas 12, nays 13, as follows:

Yeas—Messrs. Bean, Clark, Gaines, Gainer, Hudson, Irvin, Neely, Newton, Shaw, Stell, Trimble, and Mr. President—12.

Nays—Messrs. Black, Ficklin, Maxwell, McCamy, Mitchell McKean, Pelham, Reyburn, Rives, Rose, Smith, Walker and Yell—13.

So the Senate decided that the question was not susceptible of division.

Mr. Gainer moved to lay the report and resolution on the table until to-morrow.

Upon which motion, Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 7, nays 18, as follows:

Yeas—Messrs. Clark, Gainer, McKean, Neely, Shaw, Trimble, and Mr. President—7.

Nays—Messrs. Bean, Black, Ficklin, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, Newton, Pelham, Reyburn, Rives, Rose, Smith, Stell, Walker, and Yell—18.

So the motion to lay on the table was lost.

Mr. Clark moved that the Senate adjourn.

Upon which motion, Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 6, nays 19, as follows:

Yeas—Messrs. Clark, Gainer, McKean, Shaw, Trimble, and Mr. President—6.

Nays—Messrs. Bean, Black, Ficklin, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, Neely, Newton, Pelham, Reyburn, Rives. Rose, Smith, Stell, Walker and Yell—19.

Mr. Ficklin moved the previous question on the adoption of the report and resolution; but, at the suggestion of Mr. Bean, withdrew his motion, in order to give Mr. Bean an opportunity to make some remarks, at the conclusion of which Mr. Bean moved the previous question on their adoption.

Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 14, nays 11, as follows:

Yeas—Messrs. Black, Ficklin, Irvin, Maxwell, McCamy, Mitchell, McKean, Pelham, Reyburn, Rives, Rose, Smith, Walker, and Yell—14.

Nays—Messrs. Bean, Clark, Gainer, Gaines, Hudson, Neely, Newton, Shaw, Stell, Trimble, and Mr. President—11.

So the report and resolution from the House of Representatives were concurred in by the Senate.

[For the petition of A. H. Sevier, report and accompanying documents, see appendix to this journal.]

On motion of Mr. Newton, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

THURSDAY, *December 12th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate.

The roll being called, it appeared that there were twenty Senators present.

The Journal of yesterday was read.

Mr. Trimble, from the committee on the judiciary, made the following report:

Mr. President—The committee on the judiciary, to whom was referred the bill entitled an act to reduce the number of copies to be published of the reports of the supreme court, have had the same under consideration, and a majority of them instruct me to report, that the law now requires the reporter to have five hundred copies of said reports to be published in semi-anuual parts. That about one hundred copies of the annual reports are now required to be distributed to the clerks of counties, in pamphlet form. That the cost of printing five hundred of the semi-annual reports will cost no more than the printing of two hundred copies. A majority of your committee, therefore, are of the opinion that said bill ought not to pass. They therefore recommend that said bill be rejected. Which is respectfully submitted. WM. TRIMBLE, *Chairman J. C.*

Which report was read and adopted.

Mr. Hudson, from a select committee, made the following report:

Mr. Presidant—The select committee to whom was referred a bill to be entitled an act for the relief of Willis S. Smith, late sheriff and collector of Clark county, have instructed me to report the bill back to the Senate without amendment, and recommend the passage of the same. HUDSON, *Chairman.*

The bill was then read a third time and passed.

Mr. Gaines, from the committee of conference, made the following report:

Mr. President—The committee of conference, to whom was referred the bill from the House of Representatives, prescribing the time of holding the circuit courts in the 7th judicial circuit, have had the same under consideration, and we beg leave to report that said committee could not agree, and we recommend that the Senate adhere to the substitute as passed by the Senate and disagreed to by the House.

J. F. GAINES,
O. B. ALSTON,
D. Q. STELL,
M. T. SCOTT.

Which report was read.

Mr. Smith moved to reject the report; but, at the suggestion of Mr. Stell, modified his motion to reject, to lay the report and bills on the table until to-morrow, to enable him to get the sense of the members of both Houses from the 7th judicial circuit, on the original bill of the House, and the substitute therefor of the Senate; but at the suggestion of Mr. Rose, withdrew his motion to lay upon the table.

The question then being on the adoption of the report, Mr. Gaines called for the yeas and nays, which being ordered, were yeas 11, nays 14, as follows:

Yeas—Messrs. Bean, Clark, Gainer, Gaines, Hudson, McKean, Neely, Rives, Shaw, Stell, and Mr. President—11.

Nays—Messrs. Black, Ficklin, Irvin, Maxwell, McCamy, Mitchell, Newton, Pelham, Reyburn, Rose, Smith, Trimble, Walker, and Yell—14.

So the report was not adopted.

The original bill from the House entitled "an act prescribing the time of holding the circuit courts in the 7th judicial circuit," was read a third time; and the question being on the final passage of the bill, Mr. Stell called for the yeas and nays, which being ordered, were yeas 15, nays 10, as follows:

Yeas—Messrs. Black, Clark, Ficklin, Irvin, Maxwell, McCamy, Mitchell, Neely, Newton, Pelham, Reyburn, Rose, Smith, Walker and Yell—15.

Nays—Messrs. Bean, Gainer, Gaines, Hudson, McKean, Rives, Shaw, Stell, Trimble, and Mr. President—10.

So the bill was passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

"*Mr. President*,—I am instructed to inform your honorable body, that the House of Representatives have concurred in the amendment of the Senate to the bill of the House entitled 'an act concerning limitations.'

The House have passed an act for the relief of Willis S. Smith, late sheriff of Clark county.

Also, a bill to be entitled an act for the relief of Presley R. Smith, late sheriff of Washington county.

And also, an act for the relief of George W. Adams, late sheriff of Poinsett county.

All of which are herewith submitted for the assent of the Senate."

On motion of Mr. Rose, leave of absence was granted Mr. Gaines to write out a report.

Mr. Trimble asked and obtained leave to introduce a bill to be entitled "an act concerning the reports of the supreme court."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Gainer asked and obtained leave to introduce a bill to be entitled "an act to regulate cases of assault and assault and batteries."

Which was read a first time.

On motion of Mr. Black, the bill was referred to the committee on the judiciary.

Mr. Rives asked and obtained leave to introduce a bill to be entitled "an act for the relief of John C. Bowen, sheriff of Mississippi county, Arkansas."

Which was read a first time.

On motion of Mr. Rives, the rules were dispensed with, and the bill read a second time by title.

On motion of Mr. Trimble, the rules were again dispensed with, the bill read a third time, and passed, and transmitted to the House of Representatives, for their assent.

Mr. McCamy asked and obtained leave to introduce a bill to be entitled "an act to amend the eighth section of an act to regulate the salaries of the several officers therein specified, approved November 29th, 1843."

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Pelham, all the messages on the table from the House of Representatives, were taken up and read.

The bill from the House entitled "an act for the relief of Reuben Percel," was read a first time, and ordered to a second reading on to-morrow.

The bill from the House entitled "an act to amend the laws of assault and battery," was read a first time, and ordered to a second reading on to-morrow.

The bill from the House entitled "an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas for the purpose of internal improvements, and to establish a land office for that purpose," was read a first time.

And on motion of Mr. Trimble, it was ordered to be printed.

The following resolutions from the House were read a first time, and ordered to a second reading on to-morrow, to-wit:

1st. *Resolved by the General Assembly of the State of Arkansas*, That in our opinion, the United States ought, at the earliest practicable period, to extinguish, with a view of adding the same to the State of Arhansas, the Indian title to the lands lying on the waters of the Neosho and Verdigris rivers, and by a parallel line running from thence to the southern extremity of our State.

Resolved, That our Senators in Congress be instructed, and our Representative requested, to use all honorable means within their power to accomplish said object.

2d. *Resolved*, That in out opinion, the peace and harmony of our frontier counties require that the feuds, claims and difficulties of the Cherokees, arising out of the transfer of the eastern Cherokees upon our peaceful western frontier neighbors, who paid for and held the common domain under the treaties of 1817, 1819, 1828, and 1833, with the said western Cherokees, should be adjusted by the United States, either by a division of the tribe, or in some other liberal way.

The bill from the House entitled "an act to change the time of holding the probate courts in the counties of Washington, Benton, Madison, Johnson, Hempstead and Lawrence," was read a first time, and ordered to a second reading on to-morrow.

The bill from the House entitled "an act to amend the 2d section of an act entitled an act concerning forfeited lands," was read a first time, and ordered to a second reading on to-morrow.

A message was received from his excellency the Governor, by L. J. Reardon, his private secretary, informing the Senate that he had approved and signed "an act for the relief of Isaac N. Jackson, sheriff of Sevier county;" also "an act for the relief of Milton Sanders, late sheriff of White county."

The following resolutions from the House of Representatives, were read a first time, and ordered to a second reading on to-morrow, to wit:

Resolved, By the General Assembly of the State of Arkansas, That this General Assembly look upon the acquisition of Texas to the government of the United States, as a measure of vital importance to the people of the State of Arkansas, as tending to their personal and political security.

Resolved, further, That our Senators in Congress be instructed and our Representative requested to urge upon the Congress of the United States to adopt some speedy measure to secure the immediate annexation of the territory of Texas to that of the United States of America.

Resolved, further, That the Governor of the State of Arkansas is hereby required to furnish each of our Senators and Representative in Congress with a copy of these resolutions.

The bill of the House entitled an act for the election of school commissioners, and for the disposition of section 16, in township 13 north, of range 6 west, was read a first time.

On motion of Mr. Pelham, the rules were suspended, and the bill read a second time by title.

And on the further motion of Mr. Pelham, the bill was referred to a select committee, consisting of Messrs. Pelham, McCamy and Yell.

The bill from the House entitled an act for the relief of Presly R. Smith, late sheriff of Washington county, was read a first time.

On motion of Mr. Bean, the rules were dispensed with, and the bill read a second time by title.

Mr. Bean moved the rules be again dispensed with, and the bill read a third time and passed.

Mr. Gainer moved to refer the bill to a select committee; but at the suggestion of Mr. McCamy, withdrew his motion to refer.

The question was then taken on Mr. Bean's motion to dispense with the rules, and carried. The bill was read a third time.

The question being on the final passage of the bill, Mr Gainer called for the yeas and nays, which being ordered, were yeas 21, nays 2, as follows:

Yeas—Messrs. Bean, Black, Clark, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Trimble, Walker, Yell, and Mr. President—21.

Nays—Messrs. Ficklin and Gainer—2.

So the bill was passed.

The bill from the House to be entitled "an act for the relief of Willis S. Smith, late sheriff of Clark, county," was read a first time.

On motion of Mr. Hudson, the rules were dispensed with, and the bill read a second time.

And on the further motion of Mr. Hudson, the rules were again dispensed with, and the bill read a third time.

The question being on the final passage of the bill, Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 20, nays 3, as follows:

Yeas—Messrs. Bean, Black, Clark, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Walker, Yell, and Mr. President—20.

Nays—Messrs. Ficklin, Gainer, and Trimble—3.

So the bill was passed.

Mr Newton introduced the following resolution:

Resolved, That all bills for the relief of sheriffs, shall, on a first reading, be referred without to a committee to be raised to be called the committee on sheriffs' claims.

Which was read and adopted; and Messrs. Newton, Ficklin and McCamy appointed said committee.

The bill from the House entitled "an act for the relief of G. N. Adams, late sheriff of Poinsett county," was read a first time.

On motion of Mr. Neely, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Neely, the bill was referred to a select committee, consisting of Messrs. Neely, Newton, and Rives.

On motion of Mr. Neely, the vote taken on Mr. Newton's resolution to appoint a committee on sheriffs' claims, was reconsidered, and the resolution rescinded.

On motion of Mr. Bean, the bill to be entitled an act supplementary to an act approved 3d February, 1843, to establish a system of common schools in the State of Arkansas, was taken up.

Mr. Ficklin moved to take a recess until 2 o'clock, P. M.

Which motion was lost.

The bill taken up on Mr. Bean's motion, was read a third time.

The question being on the final passage of the bill, Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 6, nays 17, as follows:

Yeas—Messrs. Bean, McCamy, Neely, Stell, Walker, and Mr. President—6.

Nays—Messrs. Black, Clark, Ficklin, Gainer, Hudson, Irvin, Maxwell, Mitchell, McKean, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Trimble, Yell—17.

So the bill was lost.

The bill to be entitled "an act prescribing an easy mode of collecting debts," was read a third time.

And the question being on the final passage of the bill, Mr. Newton called for the yeas and nays, which being ordered, were yeas 14, nays 9, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Irvin, Maxwell, McCamy, Mitchell, Reyburn, Rose, Shaw, Stell, Walker, and Mr. President—14.

Nays—Messrs. Clark, Hudson, McKean, Neely, Newton, Pelham, Rives, Trimble, Yell—9.

The memorial to the Congress of the United States, asking an appropriation of $150,000 for the removal of the raft on Red river, was read a second time.

And on motion of Mr. McKean, referred to a select committee, consisting of Messrs. McKean, Trimble and Clark.

The bill to be entitled "an act to repeal the 20th, 21st and 22d sections of the 39th chapter of the revised statutes of Arkansas," was read a third time.

Mr. Irvin offered to amend the bill by way of rider, as follows:

"Reserving the rights of minor heirs as now provided for and secured under said sections 20th, 21st and 22d."

Which amendment was adopted.

Mr. Maxwell moved to amend the bill, as follows:

"That the counties of Jackson, White and Monroe be, and they are hereby, excluded from the operations of this act."

Mr. McCamy moved to amend the amendment offered to amend the amendment offered by Mr. Maxwell, by adding the "counties of Benton, Washington, and Madison."

Which amendment was accepted by Mr. Maxwell.

Mr. Hudson called for the yeas and nays on the adoption of Mr. Maxwell's amendment.

Mr. Pelham moved to lay the bill and amendment on the table until the year 1865, and called for the yeas and nays on the motion; which being ordered, were yeas 16, nays 7.

Yeas—Messrs. Bean, Black, Clark, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Walker, and Yell—16.

Nays—Messrs. Ficklin, Gainer, Hudson, Irvin, Stell, Trimble and Mr. President—7.

So the bill and amendment were laid on the table until the year 1865.

Mr. McCamy moved that the Senate adjourn.

Which motion was lost.

Mr. Maxwell moved that the Senate adjourn; upon which motion called for the yeas and nays, which being ordered, were yeas 14, nays 9, as follows:

Yeas—Messrs. Black, Clark, Gainer, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Walker, Yell, and Mr. President—14.

Nays—Messrs. Bean, Ficklin, Hudson, Newton, Rives, Rose, Shaw, Stell, and Trimble—9.

So the motion to adjourn was carried; and the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

FRIDAY, *December 13th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were nineteen Senators present.

The journal of yesterday was read.

Mr. Clark asked and obtained leave of absence for Mr. Trimble for an indefinite period, on account of indisposition.

Mr. Clark presented a petition from 81 citizens of Bradley county, remonstrating against the division of said county.

Which was, on motion of Mr. Clark, laid on the table for the present.

Mr. Clark presented a petition of 48 citizens of the counties of Union, Bradley and Ouachita, asking the General Assembly of Arkansas to memorialize Congress to establish a land office at Champagnolle, and form a land district of the counties of Union, Bradley and Washita, to be called the Champagnolle land district."

Which was read, and on motion of Mr. Clark, referred to a select committee of Messrs. Clark, Trimble and Hudson.

The bill from the House, entitled "an act for the relief of Reuben Percell," was read a second time.

Mr. Neely moved to lay the bill on the table until the 4th day of July, 1844.

Which motion was lost.

On motion of Mr. Maxwell, the rules were dispensed with, and the bill read a third time.

The question being on the final passage of the bill, Mr. Neely called for the yeas and nays, which being ordered, were yeas 12, nays 10, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, Mitchell, Pelham, Reyburn, Rives, Shaw and Walker—12.

Nays—Messrs. Bean, Clark, Gaines, McCamy, McKean, Neely, Rose, Smith, Stell and Mr. President—10.

So the bill was passed.

The bill from the House, entitled "an act to amend the laws of assault and battery," was read a second time, and ordered to a third reading on to-morrow.

The resolution from the House, instructing our Senators and requesting our Representative in Congress to use their influence in the Congress of the United States, to extinguish the Indian title on our western frontier, was read a second time, and on motion of Mr. Gaines, was referred to a select committee consisting of Messrs. Gaines, McKean and Smith.

The bill from the House, entitled "an act to change the time of holding the probate courts in the counties of Washington, Benton, Madison, Johnson, Hempstead and Lawrence," was read a second time and on motion of Mr. Ficklin, referred to a select committee, consisting of Messrs. Ficklin, Rose and Shaw.

The bill from the House, entitled "an act to amend the second section of an act entitled an act concerning forfeited lands," was read a second time, and ordered to a third reading on to-morrow.

The resolutions from the House, instructing our Senators in Congress and requesting our Representative to use all honorable means to have the territory of Texas annexed to the United States of America," was read a second time, and on motion of Mr. Ficklin, laid on the table for the present.

The bill from the House, entitled "an act to repeal the 8th section of an act entitled an act to regulate the salaries of the several offices therein specified, approved the 29th day of November, 1842," was read a second time.

Mr. Bean moved to refer the bill to a select committee.

Mr. Ficklin moved to lay the bill on the table until the year 1860, and called for the yeas and nays, which being ordered were yeas 20, nays 3, as follows:

Yeas—Messrs. Bean, Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, Mitchell, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Walker and Mr. President—20.

Nays—Messrs. McCamy, McKean and Smith—3.

So the bill was laid on the table until 1860.

The bill to be entitled "an act concerning the reports of the supreme court," was read a second time, and on motion of Mr. Gainer, referred to a select committee, consisting of Messrs. Gainer, Irvin and Bean.

The bill to be entitled "an act declaring Buffalo fork of White river a navigable stream," was read a third time and passed.

The bill to be entitled "an act to secure the property of married woman," was read a second time.

Mr. Smith moved to refer the bill to the committee on the judiciary.

Mr. Ficklin moved to lay the bill on the table until the year 1850, and called for the yeas and nays, but withdrew his motion, and offered to amend by striking out "or after," in the 12th line of the first section, but before the question was taken on the amendment, the bill was on motion of Mr. Newton, referred to the committee on the judiciary.

Mr. Walker introduced the following resolution:

Resolved, That the committee on memorials be instructed to inquire into the propriety of instructing our Senators and requesting our Representative in Congress to use their influence with the Congress of the United States, for the passage of a law to establish and organize a territorial government over the Oregon Territory, and for the maintainance of the same by a sufficient military force for that purpose; and that they report as soon as convenient by memorial or joint resolution for that purpose, should they deem it expedient.

Which was read and adopted.

Mr. Neely from a select committee made the following report:

Mr. President—The select committee to whom was referred a bill to be entitled "an act for the relief of Geo. W. Adams, late sheriff of Poinsett county," have had the same under consideration, and I am instructed to report the same with the following amendment.

Sec. 3. *Be it further enacted*, That the said G. W. Adams, late sheriff as aforesaid, be and he is hereby released from any fine or forfeiture now imposed on defaulting sheriffs by reason of his failure to collect and pay over non-resident taxes, as referred to in the first section of this act.

All of which is respectfully submitted.

C. NEELY.

Which report was read.

The President announced that there was not a quorum of Senators present.

Mr. Ficklin moved a call of the Senate.

The roll being called, the following Senators answered to their names, to wit:

Messrs. Ficklin, Gainer, Gaines, Irvin, McCamy, McKean, Neely, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Hudson and Mr. President—15.

As soon as the call of the roll was finished, Messrs. Bean and Maxwell appeared and took their seats.

A quorum being now present, the call, on motion of Mr. Ficklin, was suspended.

The report was then adopted, and the bill as amended, read a third time and passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed "an act to authorize James W. McClung and Malcolm McLeod to sell real estate."

Also, "an act to incorporate the Little Rock Bridge Company."

Which are herewith submitted for the assent of the Senate.

On motion of Mr. Black, the above message was taken up and read.

The bill from the House, to be entitled "an act to authorize James

W. McClung and Malcom McLeod to sell real estate," was read a first time, and ordered to a third reading on to-morrow.

The bill from the House, to be entitled "an act io incorporate the Little Rock Bridge Company," was read a first time.

On motion of Mr. Newton, the rules were dispensed with, and the bill read a second time by title.

And on further motion of Mr. Newton, the bill was referred to a select committee of Messrs. Newton, Ficklin, McCamy, Hudson, and Neely.

On motion of Mr. Newton, the resolution introduced by him on the 4th Dec'r. inst., instructing the standing committee on internal improvements to report a bill, appropriating $250,000 at least, for completing and repairing the national road, leading from Memphis, Tenn., by Little Rock to Big Red river, from thence by Fort Towson to Fort Gibson, and from thence by Batesville to the Missouri line; and in making a road on the south side of the Arkansas river, leading from Fort Gibson to Columbia, in Chicot county, on the Mississippi river," was taken up and read a second time.

On motion of Mr. Gainer, it was referred to a select committee, consisting of Messrs. Gainer, Irvin, Rose, Bean and McKean.

On motion of Mr. Rose, all the bills on the table were taken up.

The bill from the House, entitled "an act for the punishment of embezzlement," was read a third time, and the question being on the final passnge of the bill, Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 12, nays 10, as follows:

Yeas—Messrs. Bean, Clark, Gainer, Gaines, Hudson, McKean, Neely, Newton, Reyburn, Shaw, Stell and Mr. President—12.

Nays—Messrs. Ficklin, Irvin, Maxwell, McCamy, Mitchell, Pelham, Rives, Rose, Smith and Walker—10.

So the bill was passed.

The bill to be entitled "an act to reduce the rate of interest," was read a third time.

Mr. Clark moved to lay the bill on the table for the present, as Mr. Trimble, who introduced it, was absent on leave.

Mr. Smith moved to reject the bill.

Upon which motion, Mr. Ficklin called for the yeas and nays.

Mr. Smith withdrew his motion to reject.

Mr. Ficklin moved to reject the bill, but afterwards withdrew his motion to reject, and moved to lay it on the table until 1860, and called for the yeas and nays, which being ordered, were yeas 9, nays 14, as follows:

Yeas—Messrs. Black, Ficklin, Gaines, Irvin, Maxwell, McCamy, Mitchell, Newton and Rose—9.

Nays—Messrs. Bean, Clark, Gainer, Hudson, McKean, Neely, Pelham, Reyburn, Rives, Shaw, Smith, Stell, Walker and Mr. President—14.

So the motion to lay on the table till 1860, was lost.

On motion of Mr. Bean, the bill was laid on the table for the present.

The resolution from the House, instructing our Senators and requesting our Representative in Congress to use all their influence with the Congress of the United States, to so change and modify the compact entered into between the United States and the State of Arkansas, with regard to the donation of the seventy-two sections of land for the purpose of erecting a seminary of learning, so that the same may be appropriated by the State, to common school purposes, was read a third time.

The question being on the final passage of the resolution, Mr. Black called for the yeas and nays, which being ordered, were yeas 12, nays 11, as follows:

Yeas—Messrs. Bean, Black, Ficklin Mitchell, McKean, Neely, Pelham, Rives, Rose, Shaw, Stell and Walker—12.

Nays—Messrs. Clark, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Newton, Reyburn, Smith and Mr. President—11.

So the resolution was passed.

On motion of Mr. Gaines, Messrs. McCamy, Bean and Walker, were added to the select committee to whom was referred the resolution from the House, asking Congress to extinguish the Indian title on our western frontier.

On motion of Mr. Irvin, Mr. Rives was added to the select committee to whom was referred Mr. Newton's resolution, instructing the standing committee on internal improvements to report a bill appropriating $250,000 for the repairs and completion of roads therein named.

On motion of Mr. Walker, Mr. McCamy was added to the same select committee.

On motion of Mr. Mitchell, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

SATURDAY, *December* 14*th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were twenty-three Senators present.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed a bill to be entitled "an act to define the duties of witnesses, and for other purposes."

Which is herewith transmitted for the assent of your honorable body.

The journal of yesterday was read.

Mr. Irvin presented a petition from Augustus F. Odle, Lucy Ann Odle, Henry L. Biscoe, guardian of Lucy Ann Odle, (late Lucy Ann Lewis), and Benjamin F. Odle, guardian of Augustus F. Odle, representing and showing unto the General Assembly of the State of Arkansas, that on the 20th day of October, Augustus F. Odle and Lucy Ann Lewis, minors, were united in the bonds of matrimony, by a person of competent legal authority to solemnize marriages; that such rites were solemnized without the consent of said Benjamin F. Odle, who is the father of the said Augustus F. Odle, and of the said Henry L. Biscoe, who is the gurdian of the said Lucy Ann Lewis, (now Odle), first having been obtained either verbally or in writing, and praying that an act may be passed by the General Assembly legalizing and confirming such marriage.

Which petitition was read.

Mr. Irvin at the same time he presented the above petition, asked and obtained leave to introduce a bill to be entitled "an act to ratify and confirm the marriage of Augustus F. Odle and Lucy Ann Lewis."

Which was read a first time.

On motion of Mr. Irvin, the rules were dispensed with, and the bill read a second time by title.

And on the further motion of Mr. Irvin, the rules were again dispensed with, and the bill read a third time and passed.

Mr. Clark presented two petitions from citizens of Chicot county, one signed by twenty, the other by fifty-one persons, protesting against cutting off any part of Chicot county, and attaching it to the county of Desha.

Which petitions were read, and on motion of Mr. Clark, referred to the committee on counties and county lines.

Mr. Ficklin presented a petition signed by 109 citizens of Lawrence county, praying the passage of a law to divide the county of Lawrence, and make Black river the county line. And all that portion of the county of Lawrence lying west of Black river, to form the county of Lawrence; and all that portion of the present county of Lawrence lying on the east side of Black river, to be detached from the county of Lawrence; and all that section of county so detached and running west of the range line 1 W, and east of Black river, and south of the township line dividing townships 15 and 16 north, to be attached to Jackson county. And all that section of country so detached, east of Black river and north of the township line dividing townships 15 and 16 north, to be attached to Randolph county.

Mr. Black introduced the following iesolution:

Resolved, That this General Assembly adjourn *sine die*, on Monday, the 30th day of December inst., and that no new bill be introduced into this House, after the 24th inst.; and that the House of Representatives be requested to concur herein.

Mr. Gaines moved to amend by substituting "24th," in the place of "30th."

Which was accepted by Mr. Black.

Mr. Ficklin moved to strike out of the resolution the following: "and that no new bill shall be introduced into this House after the 24th inst."

Which motion prevailed.

On motion of Mr. Trimble the resolution was laid on the table for the present.

Mr. Black from a select committee, made the following report:

Mr. President—The select committee to whom was referred the bill to be entitled "an act to change the time of holding the county and probate courts of Randolph county," have had the same under consideratian, and beg leave to report the same with the following, to wit:

"Strike out the word "fourth," in the 4th line of the first section, and insert in lieu thereof, the word "third."

BLACK, *Chairman.*

Which report was read and adopted.

The bill to be entitled "an act to change the times of holding the probate and county courts in Randolph county," accompanying the above report, was read a third time and passed.

Mr. Gaines from the joint select committee, appointed to examine into the conduct and acts of the late bank visitor, and also the acts of the financial and executive receivers of the State bank and branches, and to take into consideration the propriety of abolishing the offices of bank visitor and executive receivers, made the following report:

Mr. President—The joint select committee appointed some weeks since to inquire into the conduct of the late bank visitor and receivers of the State bank and branches, beg leave to make the accompanying report.

Which is most respectfully submitted.

J. F. GAINES, *Chairman.*

Mr. President—The select committee to whom were referred the resolutions of the Senate, to inquire into the conduct of the late bank visitor, and the receivers of the State bank, beg leave to report, that the many difficulties they have had to brook in procuring the testimony for an understanding of the subjects under consideration, have greatly delayed this report, and the want of minute testimony in relation to the transactions of the officers, must necessarily embarrass them in arriving at certain and just conclusions, as to all the subjects involved in the inquiry. The committee therefore proceed to lay before this General Assembly, such information as they have been enabled to obtain from the means within their reach, touching this subject.

The first subject which engaged their attention, was the conduct of the late State bank visitor, during the time he continued in office. The abstracts filed in the office of the Secretary of State, show that he visited and reported abstract statements of the condition, &c., of that bank and branches, and so far as the committee have been able to determine, performed the duties required oi him by the act of 1843, placing the Real Estate bank in liquidation, by which it will be seen the office was created. But the committee are of opinion that unless the act of the last legislature, placing the Real Estate bank in liquidation, could be enforced, or some other mode adopted to give the State some control over the affairs of that institution, that the office is wholly unnecessary to a faithful discharge of the functions required in winding up the affairs of the State bank. This institution is entirely under the control of the State, and its officers directly responsible to the State government, and may be required to furnish at certain periods, all the information that could be furnished by the bank visitor. The act placing the State bank in liquidation might be so amended as to require the officers of each branch to report its condition to the principal bank, and make it the duty of the officers of the principal bank to report the information received from the branches, together with its own condition, to the Governor every three months. It might be well to annex some penalty for a failure to perform these duties on the part of these officers. We are of the opinion that the Governor should be required to appoint a faithful and competent agent six months before the meeting of each legislature, to make a thorough personal examination into the condition and all of the transactions of the officers of the principal bank and all its branches, count all monies, &c., and furnish the succeeding General Assembly with a full and detailed statement of each on oath, and report such information as he might be able to procure with regard to all transactions of the receivers, in the taking of property, &c., in order that the legislature should have some correct information upon which to base their action; while it would serve to detect any misfeasance or malfeasance on the part of the officers of the bank.

In looking into the transactions of the receivers in order to present a just view of the course pursued at each bank, they must be stated separately.

The branch of the State bank at Fayetteville, exhibits a larger share of the use of the discretionary powers by the receivers than any other, in the way of taking property for debts due the bank. How far the exercise of these discretionary powers has affected the interest of the bank, it is not in the power of your committee to determine. They had before them several witnesses, whose knowledge of these transactions seems to be limited, at least, as it regards the value of the property and the situation of the debtors and security—and this committee will not attempt to approve or condemn these transactions from the proof before them; but will state such information as they have received, so far as the taking of property is concerned.

The first case is L. Brodie, who owed the bank as follows: one note $2,802, with M. Leeper and James Sutton, as securities, and one other note for $3,600, with M. Leeper and M. Wright, as securities. Towards the payment of these, the receivers took 1000 acres of land near Fayetteville, on which were two improvements, with an aggregate of 175 acres of cleared land, buildings, &c., good. It was in proof before the committee, that other lands about the same distance from Fayetteville, with some better improvements and springs, were purchased by Gen'l. Sneed about the time; this land was taken by the receiver, at about 8 dollars per acre. It is further stated by the receivers, that the liabilities of L. Brodie and securities for other debts were so great as to endanger the debts, and that M. Wright, one of the securities, objected to pay on account of the note having been filled up with a greater amount than he agreed to endorse for.

The next is C. W. Dean, who owed notes as follows: $680 75, with W. S. Oldham and R. Routh, securities, $1,000 with A. C. Yell and M. Leeper, securities; $3,475 with M. Leeper and James McKissick, securities; $557 with M. Leeper and A. C. Yell, securities; balance on note $320, W. S. Oldham and R. Routh, securities; Dean and Pollard. $632, J. Cartwright and M. Thornberry securities; making the aggregate debt $6,664 75. The receivers state, that these notes had been lying, some of them unrenewed for 12 months, and that it appeared the principal was unable to pay the money in renewal, and that he proposed to sell 639 acres of land, chiefly bottom lands, with valuable improvements, which he proposed should be valued by disinterested men, and he would take two thirds of the appraisement. The land was appraised to $16,610, the receivers refused to take it at two thirds of its appraised value; but afterwards took it at $6,964 45.

The next case is James A. Scott, who had notes in bank as follows: $1,900, $665, $1,710 and $900, making an aggregate of $5,175, all of which were signed by E. A. Scott and P. B. Scott, as securities—the receivers state that James A. Scott was wholly unable to renew his notes. Jas. A. Scott offered 240 acres of land, 1½ miles below Van Buren, on the Arkansas river, with 100 acres in cultivation, provided he could be wholly released from the debt. It being the only, and all the chance, they accepted his proposition, and the attorney procured the title papers.

Geo. W. Hamage is the next case, his note for $712, with Wm. Jenkins and A. Wood, securities. The receivers remark in this case, that the principal had left the country, and that the securities had no property that could be reached by judicial process, and that Jenkins offered 163 acres of land in Franklin county in payment, it was that or nothing, so this land was taken in discharge of the debt.

The next case is Elias Rector, who owed the bank as follows: note $1,500 with J. Rogers and T. C. Wilson, securities; do. $5,208, John Drennen and John Rogers, security, do. $2,000, John Drennen and John Rogers, security, making said Rector's debt $8,708, together with $2,669 interest due on the same. The receiver's remark, that all Rector's lands were under mortgage to the *Real Estate Bank*; that Mr. Drennen's lands were also mortgaged to the Real Estate Bank, and that Capt. Rogers and Mr. Wilson, are both unable to aid in paying the debts for which they were bound for Rector, and meet their own liabilities. Under these circumstances, the receivers directed the attorney for the bank to take a mortgage on a tract of land, including the race track, near Fort Smith, upon which the Real Estate bank had a mortgage, which was released by said bank: the number of acres is not mentioned by the receivers, on account, as they state, of the title papers being left by the attorney at Van Buren, for record. The receivers have released the former securities, and taken this mortgage in their stead, with two individual notes of Elias Rector, one for $8,708 principal, and the other for $2,669 interest.

The next case is Lewis Evans, who owed as follows: note for $694 67, W. Gray and E. H. Shepley securities; note for $953, with H. Powell and W. L. Weddington, securities, making the aggregate $1,647 67. The receivers remark that the principal and three of the securities were in a situation that they could not be reached by judicial means; Mr. Evans proposed to pay the debt in land, at a fair and reasonable valuation, and that he would furnish a good title; the receivers took 360 acres of land, as they state, of good quality, lying on both sides of Illinois creek.

The branch at Batesville has but one case reported, in which the receivers have taken property for debts due the bank. In that case, the Real Estate bank had procured a decree for about $2,600 against negroes and land. The receivers paid off this decree, and procured a decree in favor of the debts of the State bank, and have an order of sale for property worth about $10,000. The former executive receiver at this branch seems not to have considered it his special duty to attend to the out doors business of the bank, nor is there any evidence before the committee that he attended to the bad or doubtful debts due the bank, by going around to see the debtors; but the evidence of his excellency, Thomas S. Drew, shows that he rendered him very efficient service in the renewal of notes, and the procuring the necessary information for a faithful discharge of the duties devolving on the receivers, and affecting the interests of the bank. The last appointed executive receiver is represented by one of this committee, to be actively engaged in the business of the bank, but no special acts of his are before the committee. No coersive measures have been taken by the receivers at this branch, which is in some degree, owing to the want of strict attention on the part of the attorney for the bank, who is represented to have not paid very strict attention to the cases put in suit, before the receivers came into office. The receivers seem to have given the strictest attention in their power to such cases, but were frequently left without the aid of the attorney.

The branch at Arkansas seems to have been under the control of a financial and executive receiver, who agreed as to the duties devolving on each. The executive receiver first aided the financial receiver in discharging the internal duties of the bank, and then devoted his time and attention to the out door business of the bank, which, as he states, required his close attention, in attending to bad and doubtful debts; the taking mortgages and attending the sales of property under execution; he thinks but for the exertion used by himself and the attorney, that much loss to the bank would have ensued. Your committee are of opinion, that the executive receiver at this branch, acted in strict accordance with the provisions of the law, establishing the office, although he reports but one case of his use of the discretionary power granted the receivers, to take property in payment of debts due the bank; in that case, they only took part of the debt in property, and had it appraised, and took it at its appraised value. From the best information your committee have been able to procure, the officers at this branch have performed their duties well.

The principal bank at Little Rock, although this committee have elicited much information in relation to the internal transactions of this bank, it, is not our province or intention to report any except that which pertains directly to the subject of this inquiry. We have therefore, turned over to the standing committee on banks, such information as we possessed, and thought would be of service to them, and would at the same time, save the very worthy and attentive financial receiver from again furnishing the same. Upon enquiry, we find that the receivers at this bank, have used the discretionary powers in the way of taking property for debts due the bank, in few, if any cases.* In answer to questions from the committee, the financial receiver states, that no case of the kind has occurred, nor has personal security been released and mortgages substituted, except the notes of R. C. Byrd, the securities to which the receivers considered insufficient or doubtful, and said Byrd was permitted to take up his notes, and substitute the notes of W. J. Byrd and R. C. Byrd, and they have mortgaged houses and lots in the city of Little Rock, as further security. The receivers have also taken mortgages in the following cases, as additional security, viz: Thomas Thorn, P. T. Crutchfield, John Wassel and J. N. Boyle. The receivers at this bank have substituted others in place of old debtors, to the amount of about $140,000; but we have no means of determining whether these changes have operated to the benefit or prejudice of the bank.

The committee have not been able to ascertain that the executive receiver at this bank has attended to the out doors business of the bank in person, in any case. Upon submitting this question to the financial receiver, he answers, that his business being exclusively within doors, he is unable to speak of the operations of the executive receiver out doors. From what we have been able to ascertain during this investigation, a considerable diversity of opinion has existed among the executive receivers as to the extent of their duties, some contending that the law does not contemplate their attention to the out doors business of the bank, and others considering that, a larger proportion of their special duties. While we are of opinion that the latter construction is right, we submit to this General Assembly, whether any law should exist, whose provisions are subject to so much misconstruction, and we are of the opinion, that the office cannot be productive of much good to the bank, while the act is thus construed by the executive receivers. We would therefore recommend the election of one receiver, who should attend to the internal concerns of the bank, and one attorney to the bank and each of its branches; we would combine the duties of executive receiver with that of the attorney, and increase his compensation. We would recommend that the attorney's duties under such change, be more fully defined than the duties of of executive receivers are in the act placing the bank in liquidation, and that penalties should be annexed for the non-performance of them. In order that the attorney's duties should be better understood, we recommend that each attorney should have a certain number of counties to attend, and that he should attend to all the business of the bank and branches that may need attention within the counties assigned him. In making the arrangement of attorney's district, some regard must be had to the time of holding the courts, &c.

Although this limited examination has not satisfied us as to the benefit or loss that will accrue to the bank, by the discretionary powers which have been exercised, in the taking property in payment of debts due the bank, yet we believe, that same additional guards should be created, to prevent an abuse of these necessary discretionary powers. It is to be feared that without limits to that discretion, it may lead to a system of favoritism, that will be unjust and oppressive, and may be the means of great embarrassment to the collection of the assets of the bank.

While upon the subject of discretionary powers, your committee discover from a letter directed by the receivers of the principal bank to James B. Jackson, esq., that said Jackson was required to perform some of the functions and duties imposed by the act placing the bank in liquidation, on the executive receiver. Your committee have been unable to ascertain from the financial receiver or from any other source, that the executive receiver was so much engaged, at the time of the appointment of Mr. Jackson, with the other duties of his office, as to prevent him from executing the business entrusted to Mr. Jackson. In absence of some proof of this kind to justify the employment of an agent, and without any power granted in the act to him, to make such appointment, we believe that Mr. Jackson, who petitions for relief from this General Assembly, should be paid out of the private funds of the executive receiver. Your committee think the exercise of powers not granted by law, on the part of public officers, ought not to be sanctioned, and more particularly, when such exercise incurs liability on the State; whenever an officer has taken upon himself an office, the duties of which he cannot perform, he should return it to the proper authorities, and the vacancy should be filled by the proper appointing power; but your committee are satisfied that Mr. Jackson, whose petition was referred to them, for consideration, performed valuable service for the bank, which would probably have been neglected by the executive receiver, and a loss thus have accrued to the bank and the State, and recognizing the good maxim, that the laborer is worthy of his hire, we would recommend the accompanying bill for his relief.

J. F. GAINES, *Chairman.*
HANS SMITH,
C. H. PELHAM,
CHAS. NEELY,
THOS. C. HUDSON,
B. M. G. BLACKWELL,
WM. OWENS,
J. B. HAMMOND.

Which report was read.

Mr. Gaines moved that the Senate adopt the report.

On motion of Mr. Trimble, it was laid on the table for the present.

The bill to be entitled "an act for the relief of James B. Jackson," accompanying the above report, was read a first time.

On motion of Mr. Newton, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Neely, the rules were again dispensed with, and the bill read a third time and passed.

Mr. Ficklin, from a select committee, made the following report:

Mr. President,—The select committee to whom was referred the bill of the House, to change the times of holding the probate courts in sundry counties, have had the same under consideration, and beg leave to report the same without amendment, and recommend its passage.

FICKLIN, *Chairman,*
Select Committee.

Which report was read, and the bill accompanying it, to be entitled "an act to change the time of holding the probate court in the counties of Washington, Benton, Madison, Johnson, Hempstead and Lawrence," was read a third time and passed.

Mr. Maxwell, from a select committec, made the following report:

Mr. President,—The select committee, to whom was referred the several bills to define the mode of collecting the public revenue, have had the same under consideration, and instructed me to report the inclosed bill, as a substitute for the several bills referred.

D. MAXWELL, *Chairman.*

The bill accompanying the above report, entitled "an act to provide for repaying into the State treasury out of the five per cent. or internal improvement fund, the amount expended for all matters incident to the selection and sale of lands, of the grant of 500,000 acres, and for other purposes," was read a first time.

Mr. Gaines, from the same committee, presented the following as his protest, as his dissent from the bill introduced by the majority of said select committee:

Mr. President,—As a member of the select committee, to whom were referred the several bills, defining the mode of collecting the public revenue, I beg leave to enter my dissent to the bill now proposed as a substitute. In the first place, this bill has a caption, and contains matter entirely different from the bills under consideration, and I object to the clause which proposes to pay the per diem pay of the members of this General Assembly in specie, believing it not right that the members of the Legislature should take all the good funds under the control of the State, and leave the other officers to take depreciated paper.

J. F. GAINES.

Mr. Newton moved to have the bill printed, upon which motion, Mr. Gaines called for the yeas and nays, which being ordered, were yeas 22, nays 1, as follows:

Yeas—Messrs. Bean, Black, Clark, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker and Mr. President—22.

The Senator who voted in the negative, was Mr. Gaines.

So the bill was ordered to be printed.

Mr. Trimble asked, and obtained leave of absence for Mr. Neely, on account of indisposition.

Mr. Newton, from a select committee, made the following report;

Mr. President,—The select committee, to whom was referred the bill of the House, to be entitled "an act to incorporate the Little Rock bridge company," have had the same under consideration, and instruct me to report the same to the Senate, without amendment, and recommend its passage.

NEWTON, *Chairman.*

Which report was read.

The bill accompanying it to be entitled "an act to incorporate the Little Rock bridge company," was read a third time.

Mr. Smith moved to strike out the 12th section of the bill.

Mr. Smith offered the following amendment; by way of rider, as an additional section of the bill, to-wit:

Be it further enrcted, That the General Assembly of the State of Arkansas, can at any time repeal this act.

Mr. Yell moved to amend the 17th section of the bill, by inserting the following at the bottom of said section, to-wit:

"*Provided*, that said company shall build said bridge within the period of ten years, and if the same is not built within the period of ten years from the passage of this act, the charter shall be void.

Mr. Smith moved to lay on the table till Monday.

Which motion was lost.

The question was then on Mr. Smith's motion to strike out the 12th section of the bill, and Mr. Smith called for the yeas and nays, which being ordered, were yeas 13, nays 11, as follows:

Yeas—Messrs. Ficklin, Gaines, Irvin, Mitchell, Pelham, Rives, Rose, Shaw, Smith, Stell, Walker, Yell, and Mr. President—13.

Nays—Messrs. Bean, Black, Clark, Gainer Hudson, Maxwell, McCamy, McKean, Newton, Reyburn and Trimble—11.

So the 12th section of the bill was stricken out.

Mr. Smith called for the yeas and nays on his second amendment, which being ordered, were yeas 9, nays 15, as follows:

Yeas—Messrs. Ficklin, Gaines, Mitchell, Rives, Rose, Shaw, Smith, Stell, and Walker—9.

Nays—Messrs. Bean, Black, Clark, Gainer, Hudson, Irvin, Maxwell, McCamy, McKean, Newton, Pelham, Reyburn, Trimble, Yell and Mr. President—15.

So the amendment was lost.

Mr. Gaines called for the yeas and nays on the adoption of the amendment offered by Mr. Yell, which being ordered, were yeas 24, nays none.

So the amendment was adopted.

Mr. Gaines offered the following amendment:

"That the privileges hereby granted shall not extend to a period of forty years from the date of this charter."

The question being on the adoption of the amendment, which being ordered, were yeas 11, nays 13, as follows:

Yeas—Messrs. Bean, Ficklin, Gaines, Irvin, Mitchell, Pelham, Rose, Shaw, Walker, and Mr. President—11.

Nays—Messrs. Black, Clark, Gainer, Hudson, Maxwell, McCamy, McKean, Newton, Reyburn, Rives, Smith, Stell, and Trimble—13.

So the amendment was lost.

Mr. Yell moved the previous question, which was sustained by the Senate.

The question, "shall the bill pass?" was stated from the chair.

Mr. Newton called for the yeas and nays, which being ordered, were yeas 17, nays 7, as follows:

Yeas—Messrs. Bean, Black, Clark, Gainer, Hudson, Irvin, Maxwell, McCamy, McKean, Newton, Reyburn, Rives, Rose, Stell, Trimble, Walker and Yell—17.

Nays—Messrs. Ficklin, Gaines, Mitchell, Pelham, Shaw, Smith, and Mr. President—7.

So the bill was passed.

On motion of Mr. Newton, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

MONDAY, *December* 16*th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, nineteen Senators answered to their names.

The journal of the 14th inst. was read.

Mr. Gaines introduced the following:

Resolved, That the committee of ways and means be made, and the same is hereby made, a joint committee of both houses, and the House of Representatives is requested to concur herein.

GAINES.

Which was read and adopted.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed "an act to authorize the sheriff elect of Franklin county, to collect the arrearages of taxes in said county, and for other purposes."

"An act for the relief of E. B. Alston, administrator of A. Sinclair, late sheriff of Johnson county."

Also "an act to authorize the Secretary of State to appoint a deputy."

And also "an act for the relief of John C. Bowen, sheriff of Mississippi county, Arkansas."

All of which are herewith transmitted for the assent of the Senate.

The House of Representatives have adopted a preamble and resolution relative to the report upon the petition of the Hon. A. H. Sevier.

Which is herewith transmitted for the concurrence of the Senate.

The House have assented to the bill of the Senate entitled an act to repeal the 3d section of an act prescribing the time of holding the circuit courts for the several judicial circuits, approved the first day of February, 1843, and for other purposes.

Which is herewith returned.

The House of Representatives have assented to the bill of the Senate entitled an act supplementary to the act to survey and mark out the northern boundary line of this State.

With an amendment to which, the assent of the Senate is asked.

Which is herewith returned.

Mr. Trimble, from the committee on the judiciary, made the following report:

Mr. President—The committee on the judiciary, to whom was referred the bill to be entitled "an act to authorize Marina Clark, as administratrix of the estate of William Clark, deceased, to sell real estate," have had the same under consideration, and have instructed me to report, that in cases of administration, where it becomes necessary to sell lands, the probate court has all the necessary power for that purpose. That in this case the lands could only be sold subject to the lien of the Real Estate Bank, to which corporation they were mortgaged: and a legislative sale would be void as to the bank, and as to the heirs.

They therefore report the said bill back to the Senate, and ask to be excused from the further consideration thereof.

Which is respectfully submitted.

Wm. TRIMBLE, *Chairman*
of com. on judiciary.

The report was read.

And on motion of Mr. Trimble, laid on the table for the present, as Mr. Irvin, who introduced the bill upon which the report is founded, is absent.

Mr. Trimble, from the committee on the judiciary, made the following report:

Mr. President—The committee on the judiciary, to whom was referred the bill to be entitled an act for the relief of William K. Sebastian, administrator with the will annexed of Joseph C. Dunn, dec'd, have had the same under consideration, and instruct me to report that they are of opinion, that a legislative sale of real estate is wholly void, and particularly so in regard to minor heirs. One object of the bill is to enable the said administrator to maintain and educate the children of the deceased; and however meritorious that object may be, yet, in the opinion of your committee, it would not justify a legislative sale of the real estate of such children.

Power over the real estate of deceased persons, to order the sale thereof, and apply the proceeds to the payment of debts, expenses of administration, &c., is given to the probate court, and a sale legitimately produced by the order of said court, and for purposes pointed out in the statute, may be valid; but a sale produced by legislative enactment, would be, in the opinion of your committee, wholly void, and the right of the minor heirs wholly unaffected by such sale, except to embarrass the recovery when they arrive at full age.

Your committee therefore beg leave to report the said bill back to the Senate, and ask to be discharged from the further consideration thereof.

All which is respectfully submitted.

WM. TRIMBLE, *Chairman*
judiciary committee.

Which report was read, and laid on the table for the present, as Mr. Irvin, who introduced the bill upon which the report is founded, was not in his seat.

Mr. Maxwell asked and obtained leave of absence for Mr. Maxwell to write out a report.

Mr. Gaines, from the committee on the judiciary, made the following report:

Mr. President—The committee on the judiciary have considered the bill entitled an act for the redemption of land and negroes, and have instructed me to report the same as inexpedient, and recommend that it ought not to pass. And the committee request that they be discharged from the further consideration of the subject.

All of which is respectfully submitted. GAINES.

Which report, and the bill accompanying it, was read.

On motion of Mr. Rives, the bill was referred to a select committee consisting of Messrs. Rives, Gaines and Ficklin.

Resolved, That the committee on the judiciary be instructed to inquire into the expediency of requiring, by an act of this General Assembly, or otherwise, of compelling the judge of the circuit court for the 5th judicial circuit, to continue the terms of the several courts at the city of Little Rock until all the suits in chancery, on which a trial may be desired by the parties concerned, shall be disposed of.

Which was read, and the question taken on the adoption, and lost.

Mr. Stell, agreeably to notice, introduced a bill to be entitled "an act for the relief of Conway county."

Which was read a first time, and ordered to a second reading on to-morrow.

The bill of the House entitled "an act to authorize James W. McClung and Malcomb McLeod to sell real estate, was read a second time.

And on motion of Mr. Rives, referred to a select committee consisting of Messrs. Rives, Clark, and Rose.

The bill of the House entitled an act to amend the law of assault and battery, was read a third time.

Mr. Ficklin called for the yeas and nays on the final passage of the bill.

On motion of Mr. Yell, the bill was referred to a select committee consisting of Yell, Ficklin, and Michell.

The bill from the House entitled "an act to regulate the sale and price of the 500,000 acres of land donated to the State of Arkansas, for the purpose of internal improvements, and to establish a land office for that purpose," was read a second time.

Mr. Yell offered the following amendment, to be added to the fourth section of the bill.

Be it further enacted, That the said agent shall proceed to advertise for sale, at the city of Little Rock, all the lands entered or taken up, and now unsold, under the 500,000 acre donation act, for the period of forty days previous to the day of sale thereof, in some public newspaper printed in this State, being governed by the quantity of acres and subdivisions herein specified; and the individual, or individuals, becoming the highest bidder, or bidders, shall be entitled to the same: *Provided*, That he, she, or they bid more than the sum of one dollar and twenty-five cents per acre: *Provided*, That this section does not deprive any pre-emptor of any privileges contained or given in the 9th section of this act.

Which was read.

Mr. Newton moved to refer the bill and amendment to a select committee.

Mr. Trimble moved to refer the bill and amendment to the committee of the whole, and make it the order of to-day.

Mr. Newton withdrew his motion, and the motion of Mr. Trimble was carried.

On motion of Mr. Bean, the Senate resolved itself into a committee of the whole on the bill of the House entitled "an act to regulate the price and sale of the 500,0000 acres of land donated to the State for the purpose of internal improvement, and to establish a land office for that purpose."

The committee of the whole rose, and the chairman reported back the bill to the Senate, with several amendments.

The question was taken on the adoption of the 1st amendment to the fourth section of the bill, and it was adopted.

The question was taken on the adoption of the 2d amendment to the fourth section of the bill, and it was adopted.

The question was then taken on the adoption of the 1st amendment to the 5th section of the bill.

Upon which, Mr. Yell called for the yeas and nays, which being ordered, were yeas 11, nays 12, as follows:

Yeas—Messrs. Bean, Clark, Maxwell, McCamy, McKean, Newton, Reyburn, Rives, Smith, Stell and Trimble—11.

Nays—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, Mitchell, Neely, Rose, Shaw, Walker, Yell and Mr. President—12.

So the amendment was not adopted.

Mr. Trimble moved to strike out "640" in the 3d line and insert in lieu thereof "1280," and called for the yeas and nays, which being ordered, were yeas 11, nays 13, as follows:

Yeas—Messrs. Bean, Clark, Irvin, Maxwell, McCamy, McKean, Newton, Reyburn, Rives, Smith, and Trimble—11.

Nays—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, Mitchell, Neely, Rose, Shaw, Stell, Walker, Yell, and Mr. President—13.

So the motion to strike out and insert was lost.

Mr. Clark moved to strike out "640" in the 3d line and insert "960."

Mr. Black called for the yeas and nays, which being ordered, were

Yeas—Messrs. Bean, Clark, Irvin, Maxwell, McCamy, McKean, Newton, Reyburn, Rives, Smith, Stell, Walker, and Yell—12.

Nays—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, Mitchell, Neely, Rose, Shaw, Stell, Walker and Yell—12.

The question was then taken on the second amendment to the 5th section made in the committee of the whole, and it was adopted.

Mr. Rose offered to amend by inserting in the 6th line of the 5th section after the word "land" the words "now located."

Which was not adopted.

The amendment made in committee of the whole to the 7th section of the bill, was adopted.

Mr. Yell offered to amend the 9th section of the bill by adding thereto the following:

Provided, He, she, or they make satisfactory proof of the said settlement and improvement, previous to offering the same, before the said land agent, by the affidavit of one or more credable persons; and the said agent shall file in his office said proof, and certificate, as part of the record of his office, which proof shall be according to the rules and regulations prescribed by the acts of Congress granting preemptions.

Which was adopted.

The amendment made by the committee of the whole to the 10th section, was adopted.

The bill, as amended, was read.

On motion of Mr. Black, the rules were dispensed with, and the bill was read a third time, and passed.

On motion of Mr. Irvin, the message received from the House of Representatives was taken up, and that part of it relating to the bill of the Senate entitled "an act supplementary to an act to survey and mark out the northern boundary of this State," was read.

The amendment of the House to said bill, was concurred in.

Mr. Clark asked and obtained leave to introduce a bill to be entitled "an act to postpone the time for taking effect of an act passed at the present General Assembly, entitled an act to incorporate the town of Camden."

Which was read a first time.

On motion of Mr. Clark, the rules were dispensed with, and the bill read a second time.

And on the further motion of Mr. Clark, the rules were again dispensed with, and the bill read a third time, and passed.

On motion of Mr. Trimble, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

TUESDAY, *December 17th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate.

The roll being called, it appeared that nineteen Senators were present.

The Journal of yesterday was read.

Mr. Smith, from the committee on banks, made the following report:

Mr. President—The standing committee on banks, to whom was referred the several bills and amendments, supplementary to an act to place the Bank of the State of Arkansas in liquidation, approved 31st January, 1843, have examined the different bills and amendments, and have instructed me to recommend to the Senate the passage of the following printed bill, with the attached amendments.

All which is respectfully submitted.

HANS SMITH, *Chairman committee on banks.*

Which was read, and on motion of Mr. Smith, laid on the table for the present.

Mr. Smith, from the joint standing committee on banks, made the following report:

Mr. President—The joint standing committee on banks, have examined the Bank of the State of Arkansas, and have reported to the House of Representatives.

H. SMITH, *Chairman on behalf of the Senate.*

The bill to be entitled "an act for the relief of Conway county," was read a second time.

And on motion of Mr. Neely, laid on the table for the present, as Mr. Stell, who introduced the bill, was not in his seat.

On motion of Mr. Rives, leave of absence was granted Mr. Stell.

On motion of Mr. Rose, the messages from the House of Representatives, were taken up and read.

The bill from the House entitled "an act to define the duties of witnesses, and for other purposes, was read a first time, and ordered to a second reading on to-morrow.

The bill from the House entitled "an act to authorize the sheriff elect of Franklin county, to collect the arrearages of taxes in said county, and for other purposes," was read a first time.

On motion of Mr. Gaines, the rules were dispensed with, and the bill read a second time.

And on the further motion of Mr. Gaines, the bill was referred to a select committee, consisting of Messrs. Gaines, McCamy and Rose.

The bill from the House entitled "an act for the relief of E. B. Alston, administrator of the estate of A. Sinclair, late sheriff of Johnson county," was read a first time.

On motion of Mr. Rose, the rules were dispensed with, and the bill read a second time.

And on the further motion of Mr. Rose, the bill was referred to a select committee consisting of Messrs. Rose, Neely and Trimble.

The bill from the House entitled "an act to authorize the Secretary of State to appoint a deputy," was read a first time, and ordered to a second reading on to-morrow.

The following preamble and resolutions from the House were read, to-wit:

Whereas, from the peculiar style of the report made by the committee to whom was referred the petition of the Hon. A. H. Sevier, and certain resolutions in relation thereto; the arguments used in that report, and its reflections upon the last legislature, many members of the presennt General Assembly, having entire confidence in the probity and honor of said Sevier, and of his innocence of the charges contained in the report, to which the petition aforesaid referred: from the causes above stated, and for no other reasons, could not vote for that report. Therefere,

Resolved, That in the opinion of this General Assembly, from the testimony of the witnesses examined in the investigations of the subject of the sale of certain bonds of the State issued on account of the Real Estate Bank, by A. H. Sevier, and the disposition made of the funds received for the same, the said Sevier has, throughout the whole transaction, acquitted himself honestly and honorably of the duties imposed upon him; has been a faithful agent and public servant, and has done nothing whatever which would justify reflections upon his integrity and fair fame.

2. *Be it further resolved*, That the Senate be requested to concur herein.

On motion of Mr. Smith, they were laid on the table for the present.

Mr. Clark introduced the following resolution:

Resolved, That the committee on ways and means be instructed to enquire into the expediency of introducing a bill requiring each county of this State to pay, out of the treasury of such county, the expenses of their representation in the General Assembly of this State."

Mr. Maxwell moved to lay the resolution on the table until the year 1850, and called for the yeas and nays, which being ordered, were yeas 19, nays 5, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Maxwell, McCamy, Mitchell, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Walker, Yell, and Mr. President—19.

Nays—Messrs. Clark, Irvin, McKean, Smith and Trimble—5.

So the motion was laid on the table until 1850.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed a bill to be entitled "an act to remove the court-house in Jackson county."

Also a bill to be entitled "an act to establish circuit and county courts in and for the county of Montgomery."

Which are herewith transmitted for the assent of the Senate.

Also a bill entitled an act making appropriations for common schools.

Which is herewith transmitted for the assent of your honorable body.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have examined "an act supplementary to an act to survey and mark out the northern boundary of this State, approved 12th January, 1843; also an act to repeal the third section of an act prescribing the time of holding the circuit courts for the several judicial circuits, approved the first day of February, 1843, and for other purposes, and have instructed me to report the same correctly enrolled. MITCHELL.

The bill from the House, entitled "an act to remove the court house in Jackson county," was read a first time, and ordered to a second reading on to-morrow.

The bill from the House, entitled "an act to establish circuit and county courts in, and for the county of Montgomery, was read a first time.

On motion of Mr. Newton, the rules were dispensed with, and the bill read a second time, and on further motion of Mr. Newton, the bill was referred to a select committee, consisting of Messrs. Newton, Reyburn and McKean.

A bill from the House, entitled "an act making appropriations for common schools," was read a first time.

On motion of Mr. Smith, the bill was laid on the table for the present.

On motion of Mr. Smith, the preamble and resolutions from the House, in relation to the Hon. A. H. Sevier, were taken up and read.

Mr. Gaines enquired of the chair, whether or not, resolutions were in order.

The President answered that he would let the Senate decide the question.

Whereupon, Mr. Gaines called for the yeas and nays, which being ordered, were yeas 17, nays 7, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Pelham, Reyburn, Rives, Rose, Smith, Trimble, Walker and Yell—17.

Nays—Messrs. Bean, Clark, Gaines, Neely, Newton, Shaw and Mr. President—7.

So the Senate decided that the preamble and resolutions were in order.

Mr. Smith moved to concur in the resolutions.

Mr. Newton offered to amend the preamble and resolutions, by substituting the following:

1st. That the vote of the Senate adopting the report and resolution, in regard to Col. Sevier, be and the same is hereby rescinded.

2d. That in the opinion of this Senate, there is nothing in the acts and doings of Col. Sevier, as commissioner for the disposal of the bonds deserving of blame or censure. He having performed his duty as he supposed at the time, for the benefit of the bank and the State.

Mr. Smith said the amendment offered by Mr. Newton, was out of order, and called upon the Senate to decide.

Whereupon, the yeas and nays were ordered, and were yeas 7, nays 17, as follows:

Yeas—Messrs. Bean, Irvin, Neely, Newton, Shaw, Trimble and Mr. President—7.

Nays—Messrs. Black, Clark, Ficklin, Gainer, Gaines, Hudson, Maxwell, McCamy, Mitchell, McKean, Pelham, Reyburn, Rives, Rose, Smith, Walker and Yell—17.

So the Senate decided that the substitute of Mr. Newton was not in order.

Mr. Ficklin called far the yeas and nays on the concurrence of the Senate in the preamble and resolutions.

Mr. Smith moved to strike out the preamble.

Mr. Trimble moved to lay the preamble and resolutions on the table for the present.

Which motion was lost.

Mr. Gainer moved to lay the preamble and resolutions on the table until the year 1850.

On which motion, Mr. Trimble called for the yeas and nays,

Which being ordered, were yeas 9, nays 15.

Yeas—Messrs. Bean, Clark, Gainer, Gaines, Neely, Newton, Shaw, Trimble, and Mr. President—9.

Nays—Messrs. Black, Ficklin, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Pelham, Reyburn, Rives, Rose, Smith, Walker and Yell—15.

So the motion to lay on the table until 1850, was lost.

Mr. Smith renewed his motion to strike out the preamble, and called for the yeas and nays.

Which being ordered, were yeas 3, nays 21, as follows:

Yeas—Messrs. McKean, Smith and Trimble—3.

Nays—Messrs. Bean, Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Walker, Yell and Mr. President—21.

So the Senate refused to strike out the preamble.

Mr. Black moved the previous question on the adoption or concurrence of the preamble and resolutions, which was sustained by the Senate.

Whereupon, Mr. Black called for the yeas and nays.

Mr. Trimble moved a call of the Senate.

The roll being called, the following Senators answered to their names, to-wit:

Messrs. Bean, Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Trimble, Walker, Yell and Mr. President—23.

Those Senators absent, are Messrs. Smith and Stell. Mr. Stell on leave.

The Sergeant-at-arms was ordered to bring in the absent member, who retired from the Senate chamber a few moments, and returned with Mr. Smith.

On motion of Mr. Trimble, the call of the Senate was suspended.

Mr. Smith asked to be, and was excused from voting.

The question was then taken on concurring in the preamble and resolutions.

Mr. Black having called for the yeas and nays, they were now ordered, and were, yeas 15, nays 8, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Pelham, Reyburn, Rives, Rose, Walker and Yell—15.

Nays—Messrs. Bean, Clark, Gaines, Neely, Newton, Shaw, Trimble and Mr. President—8.

So the preamble and resolutions were concurred in, and returned to the House of Representatives, where they originated.

On motion of Mr. Irvin, the report made by the committee on the judiciary, on the bill to be entitled "an act to authorize Marina Clark, administratrix of the estate of William Clark, deceased, to sell real estate, was taken up and read.

On motion of Mr. Smith, the report and bill, were laid on the table until Friday next.

Mr. Yell from the committee on the judiciary, made the following report:

Mr. President—The committce on the judiciary, have had the act entitled "an act, to regulate the action of forcible entry and detainer," under consideration, and have required me to report the same back with the following amendment, by inserting the amendment herewith submitted at the close of the seventh section.

Amend the ninth section, by inserting after the word "required," "and the fail- ure of the defendant to give bond and security, as required in the fore going section."

Amend by striking out the 10th section.

Strike out the twelfth section, and insert as follows:

Be it further enacted, That in trials under the provisions of this act, the title to the premises in question, shall not be given in evidence, except to show the extent of possession.

All of which, is hereby respectfully submitted.

YELL, *Senator.*

Mr. Yell from the committee on the judiciary, made the following report:

Mr. President—The committee on the judiciary, have had under consideration, a bill to be entitled "an act to secure the property of married women," and a majority of said committee have requested me to report the same back to the House without amendment, and recommend the rejection of said bill.

The report was read,

And on motion of Mr. Trimble, was laid on the table for the present.

Mr. Yell from the committee on the judiciary, made the following report:

Mr. President,—The committee on the judiciary, have had the bill entitled "an act to regulate cases of assault and battery," under consideration, and have instructed me to report the same back to the Senate, without amendment, and recommend the rejection of the same.

YELL, *Senator.*

Which report was read and adopted, and the bill thereby lost.

Mr. Irvin, asked and obtained leave to introduce a bill, to be entitled "an act, supplementary to an act, relating to public roads and highways, and the overseers thereon," approved, Feb. 3d, 1843.

Which was read a first time.

On motion of Mr. Irvin, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Trimble, the bill was referred to the committee on internal improvements.

Mr. Neely asked and obtained leave to introduce a bill to be entitled "an act to exempt certain persons from paying poll taxes,"

Which was read a first time, and ordered to a second reading on tomorrow.

Mr. Mitchell, from the committe on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills, have this day, handed to the Governor for his approval, "an act to repeal the third section of an act, prescribing the time of holding the circuit courts for the several judicial circuits," approved the first day of Feb'y., 1843, and for other purposes.

Also, "an act supplementary to an act, entitled an act, to survey and mark out the northern boundary line of this State," approved 12th January, 1843.

MITCHELL.

Mr. Shaw asked and obtained leave to introduce a bill, to be entitled "an act concerning marriages," which was read a first time.

On motion of Mr. Shaw, the rules were dispensed with and the bill read a second time, and referred to a select committee, consisting of Messrs. Shaw, Mitchell and Irvin.

Mr. Walker asked and obtained leave to introduce a bill, to be entitled "an act, supplementary to an act, passed at the present session of the General Assembly, prescribing the time of holding the circuit courts in the fourth judicial circuit."

Which was read a first time and ordered to a second reading on tomorrow.

On motion of Mr. Trimble, the Senate adjourned.

WEDNESDAY, *December* 18*th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate.

The roll being called, it appeared that eighteen Senators were present.

The journal of yesterday was read.

Mr. Irvin, from the standing committee on the penitentiary, made the following report:

Mr. President,—The standing committee, to whom was referred the subject matter, relating to the penitentiary of this State, have had the same under consideration, and have instructed me to report the accompanying bill.

All of which is herewith, respectfully submitted.

M. IRVIN.

The bill to be entitled "an act supplementary to two several acts, relating to the penitentiary," approved accompanying the above report, was read a first time.

On motion of Mr. Irvin, the rules were dispensed with, and the bill read a second time.

And on further motion of Mr. Irvin, the bill was referred to a select committee, consisting of Messrs. Irvin, Yell, and McCamy.

Mr. Gainer, from a select committee, made the following report:

Mr. President—The committee to whom was referred, the resolution, setting apart $250,000 of the sales of the 500,000 acre donation for the improvement of, and making sundry roads, and instructing the standing committee on internal improvements, &c., have had the same under consideration, and have instructed me to report a substitute for the original.

All of which, is herewith submitted for the consideration of the Senate.

J. C. GAINER, *Chairman.*

Which report and substitute were read.

Mr. Gaines moved to lay the report, substitute and original resolution upon the table until the year 1850, and called for the yeas and nays, which being ordered, were yeas 15, nays 7, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gaines, Hudson, Maxwell, Mitchell, Neely, Pelham, Rose, Shaw, Stell, Walker, Yell and Mr. President—15.

Nays—Messrs. Clark, Gainer, Irvin, McCamy, McKean, Newton and Rives—7.

So the motion to lay on the table prevailed.

Mr. Gainer, from a select committee, made the following report:

Mr. President—The committee to whom was referred a bill to be entitled "an act concerning the reports of the supreme court," have had the same under consideration, and have instructed me to report a substitute for the original bill.

All of which, is herewith respectfully submitted.

J. C. GAINER, *Chairman.*

Which report and substitute were read and adopted.

Mr. Gaines, offered to amend the bill as follows:

"That there shall not be bound, more than 150 copies of the reports at the expense of the State."

Which was decided, by the chair, to be out of order.

On motion of Mr. Black, the bill was read a third time and passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

"*Mr. President*,—I am instructed to inform your honorable body, that the House of Representatives have passed "an act to incorporate the town of Van Buren."

Which is herewith transmitted for the assent of the Senate.

Mr. Pelham, from a select committee, made the following report:

Mr. President—The select committee to whom was referred the act entitled "an act for the election of school commissioners, and for the disposition of section (16) in township (13) north of range six, west." Have had that bill under consideration, and by examination, find that the Legislature, in A. D. 1840, passed an act for the sale of the above described lands, and upon inquiry, find that, that act was carried into effect, and divers portoins of said land were sold under it.

Your committee are of opinion, that the act then passed, by the Legislature, was premature, and contracts made under it were voidable, and might have been avoided, if Congress had refused to have given consent; but we find, that Congress, in the year 1843, passed an act, ratifying and confirming such acts in Arkansas, so far as the consent of Congress was necessary to ratify and confirm the same. Congress then being the only power, the consent of which, was necessary to make the act valid, so soon as that consent was given, all the contracts made under the act of 1840, became valid and binding, even if they were not previously so. The passage of the present act, would, in our opinion, make all the contracts entered into under the act of 1840, void, and would thereby be tampering with the validity of contracts previously entered into for the benefit of schools in that section of country. Your committee are therefore of opinion, that this Legislature has no right to pass such a bill, and recommend its rejection.

All of which, is respectfully submitted.

PELHAM, *Chairman.*

Which report was read and adopted.

Mr Yell, from a select committee, made the following report:

Mr. President—The select committee to whom was referred "an act entitled an act to amend the law of assault and battery, have had that bill under consideration, and have instructed me to report the bill herewith submitted as a substitute therefor.

All of which, is herewith respectfully submitted.

YELL, *Chairman*

Which report and substitute, were read and adopted, and the bill read a third time and passed.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

The committe on enrolled bills, have examined "an act for the relief of John C. Bowen, sheriff of Mississippi county," and instruct me to report the same correctly enrolled.

Mr. Gaines, from a select committee made the following report:

Mr. President—The select committee to whom was referred the bill entitled "an act to authorize the sheriff elect of Franklin county to collect the arrearages of taxes in said county, and for other purposes," have had the same under consideration, and instructed me to report the same back with the following amendment, to wit:

"Strike out the word "co." and insert the word "county," wherever the same appears in the bill."

All of which is most respectfully submitted.

GAINES, *Chairman.*

Which report was read and adopted, and the bill as amended, read a third time and passed.

Mr. Rives from a select committee, made the following report:

Mr. President—The committee to whom was referred the bill entitled "an act authorizing James W. McClung and Malcomb McLeod to sell real estate," have had the same under consideration, and instruct me to report the bill back to the Senate without amendment, for the action of the Senate.

RIVES, *Chairman.*

Which was read, and on motion of Mr. Rives, laid on the table for the present.

Mr. Rose from a select committee, made the following report;

Mr. President—The committee to whom was referred a bill to be entitled "an act for the relief of E. B. Alston, adm'r. of A. Sinclair, dec'd, late sheriff of Johnson county," have had the same under investigation, and as there appears to have been no circuit courts in said county during the last two years, have instructed me to report the same without any amendment, and recommend its passage.

ROSE, *Chairman*
Select Committee.

Which report was adopted, and the bill read a third time and passed.

Mr. Newton from a select committee, made the following report:

The select committee to which was referred the bill of the House, to be entitled "an act to establish circuit and county courts in and for the county of Montgomery, and for other pusposes," have had the same under consideration, and instruct me to report the same without amendments. NEWTON, *Chairman.*

Which report was read and adopted.

The bill from the House, authorizing the Secretary of State to appoint a deputy, was read a second time, and on motion of Mr. Newton, referred to the committee on the judiciary.

The bill from the House, entitled "an act to remove the court house in the county of Jackson," was read a second time.

On motion of Mr. Maxwell, the rules were suspended, and the bill read a second time and passed.

The bill from the House, entitled "an act to define the duties of witnesses, and for other purposes," was read a second time, and on motion, of Mr. Newton, referred to the committee on the judiciary.

The bill to be entitled "an act supplementary to an act passed at the present session of the General Assembly, fixing the time of holding the courts in the 4th judicial circuit," was read a second time.

On motion of Mr. McCamy, the rules were dispensed with, the bill read a third time and passed.

The bill to be entitled "an act to exempt certain persons from paying poll tax," was read a second time.

On motion of Mr. Maxwell, the bill was referred to the committee on the judiciary.

The bill to be entitled "an act to provide for repaying into the State treasury, out of the five per cent. or internal improvement fund, the amount expended for all matters incident to the selcction and sale of lands of the grant of 500,000 acres, and for other purposes," was taken up and read.

On motion of Mr. Newton, the bill was referred to the committee of the whole, and made the order of the day for to-day.

On motion of Mr. Newton, the Senate resolved itself into committee of the whole on the bill, Mr. Black in the chair.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have amended the amendments of the Senate to the bill of the House, entitled "an act to regulate the sale and price of the 500,000 acres of land donated to the State of Arkansas for the purpose of internal improvements, and to establish a land office for that purpose."

Which is herewith returned for the concurrence of the Senate.

The House have concurred in the amendments of the Senate to the bill of the House, entitled "an act to incorporate the Little Rock Bridge Company."

A message was received from his excellency, the Governor, by L. J. Reardon, esq., his private secretary, informing the Senate that he had approved and signed, "An act supplementary to an act to survey and mark out the northern boundary line of this State:"

"An act to repeal the third section of an act prescribing the time of holding the circuit courts in the several judicial circuits;"

And "an act for the relief of John C. Bowen, late sheriff of Mississippi county."

The committee of the whole rose, and the chairman reported back the bill to be entitled "an act to provide for repaying into the State treasury out of the five per cent. fund, or internal improvement fund, the amount expended for all matters incident to the selection and sale of the grant of 500,000 acres, and for other purposes," to the Senate with amendments.

On motion of Mr. Yell, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

THURSDAY, *December* 19*th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were eighteen Senators present.

Mr. Rives from a select committee, made the following report:

Mr. President,—The committee to whom was referred the bill entitled "an act for the redemption of real estate, and for other purposes," have had the same under consideration, and have instructed me to report the following amendment:

"Strike out the first section of said bill; also, strike out the words "or negroes," wherever it occurs in said bill; and also, strike out the words "bank notes," in the twelfth line of the second section, and insert in lieu thereof the word "money."

RIVES, *Chairman.*

Which report was read and adopted, and the bill ordered to a third reading on to-morrow.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed "an act to incorporate the town of Van Buren."

Which is herewith transmitted for the assent of the Senate.

On motion of Mr. Black the messages from the House were taken up and read.

The amendments of the House, made to the amendments of the Senate to the bill of the House, entitled "an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas for the purpose of internal improvements, and to establish a land office for that purpose," was read on motion of Mr. Yell, and concurred in by the Senate.

The bill of the House, entitled "an act to incorporate the town of Van Buren," was read a first time.

Mr. Clark moved to reject the bill, but at the suggestion of Mr. Walker, withdrew his motion, as Mr. Smith was not in his seat; and the bill was ordered to a second reading on to-morrow.

The bill from the House, entitled "an act to call in the scrip of Searcy county," was read a first time, and ordered to a second reading on to-morrow.

The bill from the House, entitled "an act to increase the duties of county clerks in the State of Askansas," was read a first time, and ordered to a second reading on to-morrow.

The bill from the House, entitled "an act to declare Little Red river navigable," was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Stell, the bill to be entitled "an act for the relief of Conway county," was taken up and read a third time and passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed "an act to call in the scrip of Searcy county:"

Also, "an act to increase the duties of county clerks in the State of Arkansas:"

And also, "an act declaring Little Red river a navigable stream."

All of which are herewith transmitted for the assent of the Senate.

The House of Representatives have assented to the bill of the Senate entitled "an act declaring White river a navigable stream."

Which is herewith returned.

Mr. Maxwell from a select committee, made the following report:

Mr. President—The select committee to whom was referred the bill entitled "an act supplementary to an act to distribute the revised statutes of Arkansas among the several counties in the State," have had the same under consideration, and have instructed me to report the same with the following amendment:

"Strike out all after enacting clause, and insert the following:

PELHAM, *Chairman*.

That the Secretary of State be and he is hereby required to furnish the clerk of the circuit court of Independence county, fifteen copies of the revised statutes of Arkansas; and that the said Secretary of State be further required to furnish the clerk of the circuit court of the county of Hempstead, six copies of said revised statutes of Arkansas, and the said clerks are hereby required to furnish each justice of the peace in their respective counties (who have not heretofore been furnished) with one copy of said statutes.

SEC. 2. *Be it further enacted*, That this act take effect and be in force from and after its passage."

PELHAM, *Chairman.*

Which report and substitute were read and adopted.

Mr. Newton moved to amend the amendment as follows:

"And that the county of Pulaski shall have an additional supply of ten copies of the revised statutes."

Mr. Clark offered to amend the amendment as follows:

"And that the clerks of the counties of Chicot, Bradley, Union and Ouachita shall each be supplied with ten additional copies."

Mr. Gainer offered to amend the amendment as follows:

"And that the counties of Izard, Van Buren and Fulton, be each furnished by the Secretary of State with four additional copies."

On motion of Mr. Ficklin, the bill and proposed amendments were referred to a select committee, consisting of Messrs. Ficklin, Newton, Clark and Gainer.

Mr. Black introduced the following resolution:

Resolved, That the Senate and House of Representatives meet in convention on Saturday next, at eleven o'clock, A. M., in the hall of the House of Representatives, and proceed to the election of financial receiver and attorney for the principal bank of the State of Arkansas, and financial receiver and attorney for each of the branches thereof, and also for land agent; and the House of Representatives be requested to concur herein.

The bill to be entitled "an act to provide for repaying into the State treasury, out of the five per cent. or internal improvement fund, the amount expended for all matters incident to the selection and sale of lands of the grant of 500,000 acres, and for other purposes," was taken up on motion of Mr. Gaines.

Mr. Maxwell moved that the Senate concur in the amenoments made in the committee of the whole, on yesterday to the bill.

The first amendment made by the committee of the whole, was to strike out the first section of the bill.

Which was concurred in by the Senate.

The second amendment made by the committee of the whole, was to strike out the second section of the bill.

Which amendment was not concurred in by the Senate.

The third amendment made by the committee of the whole, was to strike out of 5th section, from the word "thereof," in the 20th line, to the word "and," after State in the 21st line.

Which was concurred in by the Senate.

The fourth amendment made by the committee of the whole, was to strike out all after the word "silver," in the second line of the 10th section.

The question being on concurring in the amendment, Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 11, nays 13, as follows:

Yeas—Messrs. Hudson, Irvin, Maxwell, McCamy, Newton, Pelham, Reyburn, Rives, Shaw, Smith and Stell—11.

Nays—Messrs. Bean, Black, Clark, Ficklin, Gainer, Gaines, Mitchell, McKean, Neely, Rose, Walker, Yell and Mr. President—13.

So the amendment was not concurred in.

The sixth amendment made by the committee of the whole, was to strike out the 11th section.

On motion of Gaines, the amendment was rejected.

The following is the seventh amendment made by the committee of the whole:

SEC. 13. *Be it further enacted*, That from and after the first day of March, 1845, nothing but gold or silver shall be received by any sheriff or collector for State taxes: *Provided*, That those sheriffs or collectors, who have been, or shall be allowed additional time to collect and pay over revenue charged to them, for the year 1844, shall not be affected, by this provision, but shall be authorized to pay over to the State treasurer the amounts due from them for the year 1844: *Provided*, Such sheriffs or collectors who have been or shall be allowed additional time to settle, shall respectively pay over to the State revenue within the times prescribed, or which shall be prescribed by law."

Mr. McCamy offered the following amendment to the seventh amendment made by the committee of the whole, to wit:

"Insert after the word "silver," in the third line, "and notes of the State bank and branches."

Which was adopted.

On motion of Mr. Maxwell, the question was then taken on the 7th amendment made by the committee of the whole, as amended by the Senate, and rejected.

Mr. Ficklin moved to strike out the seventh section of the bill, and called for the yeas and nays, which being ordered, were yeas 19, nays 5, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gaines, Irvin, Maxwell, Mitchell, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Walker, Yell and Mr. President—19.

Nays—Messrs. Clark, Gainer, Hudson, McCamy and McKean.—5.

So the seventh section was stricken out.

Mr. Gainer moved to lay the bill on the table for 50 years, and called for the yeas and nays, which being ordered, were yeas 14, nays 10, as follows:

Yeas—Messrs. Bean, Black, Clark, Ficklin, Gainer, Maxwell, McCamy, Mitchell, Newton, Pelham, Smith, Stell, Walker and Yell—14.

Nays—Messrs. Gaines, Hudson, Irvin, McKean, Neely, Reyburn, Rives, Rose, Shaw and Mr. President—10.

So the bill was laid on the table for 50 years.

Mr. Ficklin moved that the Senate adjourn.

Which motion was lost.

Mr. Gainer moved that the Senate adjourn.

Which motion was lost.

On motion of Mr. Maxwell, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

FRIDAY, *December 20th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate:

The roll being called, it appeared that there were nineteen Senators present.

The journal of yesterday was read.

Mr. Clark presented a petition from 30 citizens of Bradley county, remonstrating against the passage of an act by the General Assembly, dividing or dismembering said county of Bradley.

Which was read, and on motion of Mr. Clark, laid on the table for the present.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed "an act to authorize James H. Caldwell, executor of the last will and testament of Charles Caldwell, to sell certain property:"

Also, "an act to prevent betting on elections."

Which are herewith transmitted for the assent of the Senate.

On motion of Mr. McCamy, the bill to be entitled "an act supplementary to an act placing the Bank of the State of Arkansas in liquidation, approved February 3d, 1843," was taken up and read a second time.

On motion of Mr. McCamy, the bill was referred to the committee of the whole, and made the order of the day for to-day.

Mr. Rives from the select committee appointed to wait on Col. William Pelham, the surveyor general of the United States, for the State of Arkansas, made the following report:

Mr. President—Your committee to whom was referred the request to call on the surveyor general for the State of Arkansas, for information embraced in that request, take great pleasure in saying that he has afforded us much valuable information, which is herewith submitted for the information of the Senate.

We also submit a resolution and memorial to the Congress of the United States, to so change the present system of the general department, instead of placing the descriptive field notes in the several registers' offices, in each district, to place them in each county, and to be placed in the care of the clerks of each county, for the benefit of the county surveyors and people.

All of which is herewith submitted for consent of the Senate.

RIVES, *Chairman.*

SURVEYOR'S OFFICE, *Little Rock, Ark.,*
December 17th, 1844.

GENTLEMEN—In accordance with the call of the Senate for information relative to the number of townships of the public lands in Arkansas, with a view to ascertain the probable expense to the State, to procure the discriptive field notes for the use of the county surveyors, I have to reply that I have examined the records of this office, and find that there are fifteen hundred and forty-eight townships in the State; that twelve hundred and sixty-one have been surveyed, and two hundred and eighty-seven remain to be surveyed, some fifty of which are now under contract, and will probably be surveyed during the winter and spring.

The system of surveying and selling the public domain, provides that the descriptive field notes shall be compiled into what is termed descriptive lists, which are placed in the register's offices of each land district, to be furnished as data, to the purchasers of the public lands, to base the surveys upon, in the subdivision of such tracts as they shall have purchased. This mode was designed by its founders, as a convenience, but in consequence of the large tracts of country embraced in a land district in this State, the object has failed. I will instance the lands subject to sale at Helena, which extend from the Missouri to the Louisiana lines, a distance far too great for the purchasers who may be located on the extremes, to be benefitted by the descriptive field notes while being filed with the register at Helena.

The government at this time pays for making the original lists, which are compiled from the notes, the sum of four dollars for each list, which will cost at that rate, for the whole number, the sum of six thousand one hundred and ninety-two dollars. But as the copying will not require so much labor, perhaps a good copiest could furnish them at $1 50 or $2 00 per copy.

To avoid this expense, and to furnish the community with valuable information, I would suggest the propriety, by enactment or otherwise, the modification of the land system, so as to have the lists now being prepared by the government, shall be placed with the clerks of the circuit court of each county, instead of the register of the land office, as is now the case. The lists of the townships located in a county could be bound in a book, and placed on file in the clerk's office, subject to examination of the county surveyor, and other persons interested, who should be allowed the privilege of taking transcripts of such corners as they should desire to base surveys upon, but in no case should the book be taken from the office.

Such a course would, in my opinion, save much loss and damage to individual property, which must result from the palpable and erroneous surveys now made by the county surveyors, in the absence of the field notes, and at the same time would be no additional expense to the land department.

Very respectfully, your ob't serv't,

Wm. PELHAM, *Surveyor public lands in Arkansas.*

Hon.'s P. G. Rives, W. Trimble and J. Stell, committee.

Resolved, by the Senate and House of Representatives of Arkansas, in General Assembly met, That the purchasers of public lands have a right to the field notes of the surveys of those lands, to enable the county surveyors to lay off such tracts as they may have purchased, and that they are deprived of those rights, in consequence of those notes being placed in the registers' offices of the land districts, which in most cases are at a great distance from the settlers.

Resolved, That the end for which descriptive field notes were intended in this State, has failed in part, in consequence of the great tract of country embraced in a land district: and to better regulate the land system,

Be it resolved, That our Senators and Representative in Congress be requested to use their endeavors to have the land system so changed, as to make it the duty of the surveyor general to so separate the descriptive field notes or lists, and have them bound in books in such a way, that each book shall contain the lists of such townships as are located in each county, and that those books shall be placed in the clerks' offices for the use of the county surveyor, who shall have the privilege to take transcripts from them, but shall not have the privilege of removing said books from the clerks' offices.

Which report, letter and resolutions were read. The resolutions were ordered to a second reading on to-morrow.

Mr. Ficklin from a select committee made the following report:

Mr. President—The select committee to whom was referred the petition of sundry citizens of Lawrence county, praying that all that portion of Lawrence county lying east of Black river, and south of the township line 15 and 16, be attached to the county of Jackson, and that all that portion of Lawrence county, east of Black river, and north of the township line dividing townships 15 and 16, be attached to the county of Randolph, have had the same under consideration, and beg leave to report that they are unadvised that the law in the revised statutes, relative to petitions has been complied with by the necessary petitions required to be put up in all the counties to be effected by the change prayed for by the petitioners.

Your committee also find, upon examination of the law defining the boundary lines of Lawrence county, that that portion of the said county of Lawrence, west of Black river, does not contain 900 square miles, as contemplated by the constitution.

Therefore, your committee are of the opinion that the prayer of the petitioners ought not to be granted, and beg leave to be discharged from the further consideration of the same.

FICKLIN, *Chairman Select Committee.*

Which report was read and adopted.

Mr. Irvin from a select committee made the following report:

Mr. President—The select committee to whom was referred the bill entitled "an act supplementary to two several acts relating to the penitentiary, approved Dec. 13th, 1838, and Dec. 19th, 1840," have had the same under consideration, and have instructed me to report it back to the Senate, recommending the following amendments, to wit:

Insert the following in sec. 9, after the word "confined," in the 5th line, "and all who may hereafter be sentenced to undergo confinement in said penitentiary house, and shall receive all such persons into the penitentiary, as they are now received by the laws of the State;"

Amend the 13th section, by inserting the word "by" at the commencement of the last line in said section:

Amend by inserting sections 16 and 17.

SEC. 16. *Be it further enacted*, That the said commissioners shall not directly or indirectly be interested in the erection of the wall around said penitentiary, further than to premote the interests of the State.

SEC. 17. *Be it further enacted*, Thall all laws and parts of laws which are repugnant to the provisions of this act, are hereby repealed, and that this act take effect and be in force from and after its passage.

Which report was read and adopted.

The bill to be entitled "an act supplementary to two several acts relating to the penitentiary," accompanying the above report, was read a third time.

On motion of Mr. Irvin, the blank in the 1st section was filled with "four thousand."

On motion of Mr. Irvin, the first blank in the 2d section was filled with "two."

On motion of Mr. Irvin, the second blank in the 2d sec. was filled with "five thousand each."

Mr. Irvin offered to amend the 3d sec. as follows:

"Strike out the word "they" in the 2d line, and insert the word "he" in the 11th line, after the word "shall."

Adopted.

Mr. Irvin offered to amend the 6th sec. as follows:

"Strike out the word "to" in the 8th line, sec. 6, after the word "sworn." Adopted.

Mr. Irvin moved to fill the blank in the 11th sec. with 50,000.

Mr. Trimble moved to fill with 35,090.

Mr. Black moved to fill with 20,000.

The question was taken on Mr. Irvin's motion, and carried.

So the blank was filled with 50,000.

At the suggestion of Mr. Trimble, Mr. Irvin, moved a reconsideration of the vote filling the blank with 50,000.

Which prevailed.

Mr. Yell moved to strike out 50,000, and insert 25,000.

Which prevailed.

So the blank was filled with 25,000.

On motion of Mr. Black, the blank in the 15th section, was filled with "$200 per annum."

The bill as amended was then passed.

On motion of Mr. Irvin, the bill for the relief of Wm. K. Sebastian, with the report on the same by the committee on the judiciary, was taken up.

The report was read.

Whereupon, Mr. Irvin moved to reject it..

On motion of Mr. Newton, the bill and report were referred to a select committee consisting of Messrs. Newton, Irvin and Ficklin.

On motion of Trimble, the bill to authorize Marina Clark, administratrix of William Clark, to sell real estate," was taken up, and referred together with the report on the same, to the same select committee.

On motion of Mr. Rives, the bill to authorize James W. McClung and Malcomb McLeod, to sell real estate," was referred to the same committee.

Mr. Newton from a select committee, made the following report:

Mr. President—The select committee to which was referred, the bill to be entitled "an act supplementary to an act to distribute the revised statutes among the several counties in this State," together with the amendments thereto, have had the same under consideration, and have intructed me to report a substitute for the bill, and recommend its passage.

NEWTON.

Which report was read and adopted.

The bill from the House, entitled "an act to increase the duties of county court clerks in the State of Arkansas," was read a second time, and on motion of Mr. Pelham, referred to a select committee consisting of Messrs. Pelham, Mitchell and Maxwell.

The bill from the House, entitled "an act declaring Little Redriver a navigable stream," was read a second time and ordered to a third reading on to-morrow.

Mr. Walker from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills, have examined "an act declaring the White river a navigable stream," and have instructed me to report the same correctly enrolled.

JNO. G. WALKER.

Mr. Ficklin introduced the following resolution:

Resolved, That the two Houses of the present General Assembly proceed on to-morrow, at 12 o'clock, to the election of public land agent, and that the House of Representatives be requested to concur herein.

FICKLIN.

On motion of Mr. Shaw, the Senate adjourned.

SATURDAY, *December* 21*st*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were nineteen Senators present.

Mr. Ficklin asked and obtained leave of absence for Mr. Newton, on account of the death of his daughter.

Mr. Hudson presented a petition from twenty citizens of Clark county, remonstrating against a division of said county.

Which was read, and on motion of Mr. Clark, laid on the table for the present.

Mr. Pelham from the committee on counties and county lines, made the following report:

Mr. President—The standing committee on counties and county lines, to whom was referred two remonstrances of sundry citizens residing on and near the line, dividing the counties of Chicot and Desha, against striking off one or more ranges of townships from the county of Chicot, and attaching the same to the county of Desha, have had the same under consideration, and have instructed me to report that they are of opinion, from the papers and other information before them, that there are grounds for remonstrance; and would therefore ask to be discharged from the further consideration of the subject.

PELHAM, *Chairman.*

On motion of Mr. Clark, the remonstrances acompanying the above report, were referred to a select committee consisting of Messrs. Clark, Yell and Irvin.

Mr. Trimble from the joint standing committee on auditor's and treasurer's books, made the following report:

Mr. President—The joint committee to whom has been referred the examination of the auditor's and treasurer's books, have performed that duty, and beg leave to report,

That their examination was extended to the fiscal term, embracing the period intervening between the 30th of September, 1842, and the 1st of October, 1844. And after a full examination of the books, accounts, vouchers, and other official documents of the auditor and present treasurer, and comparing the same with the reports of the auditor and treasurer, accompanying the Governor's message to this General Assembly, with the tabular statements affixed to said reports, they find the same to be correct.

Your committee take great pleasure in bearing testimony to the fidelity and official ability of the auditor and present treasurer, in regard to the order and manner of keeping the books, vouchers, &c., of their respective offices.

Your committee regret to find, that the late treasurer, became a defaulter to the sum of $4,028 37 cents, an account of which, your committee will state as briefly as possible.

In pursuance of an act, approved the 3d of February, 1843, appropriating a sufficient portion of the surplus revenue to liquidate the demands upon the treasury. The auditor of public accounts, on the 31st of March, 1843, by letter of that date, required the financial receiver of the bank of the State of Arkansas, to adjust the accounts of the State treasurer, with the bank, and place to his credit in bank, the sum of $61,679 09, which sum was necessary to meet and discharge warrants, drawn during the six months, ending with the 31st day of March, 1843, over and above the ordinary revenue in the State treasury, and upon such adjustment of the accounts of the State treasurer with the bank, it was discovered that said treasurer was in default to the sum of $4,012 94. On the 31st day of March, 1843, and pending the investigation of the treasurer's accounts with the bank, it appears that on the 7th of April, 1843, he received $15 43 cents, not yet accounted for, which added to the $4,012 94 cents, makes the total amount of his defalcation to the State ($4,28 37) up to the time he resigned, on the 20th April, 1843, not including the sum of $300 overdrawn by said treasurer, at the branch of the bank at Fayetteville.

This defalcation was concealed by the incorrect statements in the quarterly reports, of said treasurer, of the amounts of money in the treasury, as also in his biennial reports to the Governor. As the treasurer reported the precise amounts to be in the treasury, with which he was charged in the auditor's office; but at the same time, as has since been discovered, had not the proper amounts to his credit in bank.

And this default had escaped the attention of two committees, who examined the books of the treasurer. One in 1840, and the other in 1842, and two committees of the Legislature, appointed to examine the State bank, one in 1840, and the other in 1842. This is to be accounted for from the fact, that each set of committees had confined their inquiries to the special duties assigned them. The one in examining the books of the treasurer, and the other in examining the books of the bank, and was only detected by the auditor, in carrying into effect the second section of the act, approved the 3d of February, 1843, and affords another example of the evils resulting from the want of a rigid, prompt, and efficient system of accountability in regard to public officers, having the custody and disbursement of public funds. Had it been made the duty of the auditor of public accounts, on the receipt of the quarterly reports of the treasurer, to compare that report, with the account current of the treasurer, in bank, or had he been authorized to examine the accounts of the treasurer with the bank, or had the cashier been required to make quarterly reports, to the auditor, of his account with the treasurer, your committee feel assured that this defalcation would not have escaped the scrutiny of that most vigilant and faithful officer.

Your committee have also examined the account of the receipts and expenditures in the auditor's and treasurer's department, from the 1st of October, 1844, to the 16th December, 1844, inclusive, and find the receipts, during this period, to have been $26,722 19 cents, and the warrants drawn and redeemed, in the same period, amount to $9,506 81 cents, leaving a balance in the State treasury, on the 16th of December, 1844, of $17,215 38.

Your committee counted the money in the hands of the treasurer, on the said 16th of December, and find the total amount in his hands on that day, to be $17,215· 38 cents.

For further information, your committee would refer to the various tabular statements accompanying the auditor's and treasurer's report.

It is the opinion of your committee, that the revenue laws should be so amended, as to permit non-residents to pay their taxes into the State treasury. It would relieve them of a great burthen, and less land would be sold for taxes, and still less forfeited to the State, under the operation of such a law.

Your committee would recommend, that so much of the 13th section of the act, incorporating the bank of the State of Arkansas, as makes the funds of the State a part of the capital of said bank, be repealed, and that all the funds of the State, in said bank, shall hereafter, be a deposit in said bank, to the credit of the State. It is also recommended, that the bonds and scrip of the State, paid and taken up in the last two years, be burned.

All which, is respectfully submitted.

Wm. TRIMBLE, *Chairman*
Select Committee.
JOSEPH W. McKEAN,
MARK BEAN,
JOHN S. FICKLIN,
DAVID MAXWELL,
Members of the Senate.
THOMAS WILSON, *Chairman*
of Committee of the House.
LEE C. BLAKEMORE,
M. B. McCOY,
Members of the House.

Which report was read and adopted, and the House of Representatives informed thereof.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed "an act for the relief of the heirs and legal representatives of John Lenox."

Which is herewith transmitted for the assent of the Senate.

The House have disagreed to the substitute of the Senate to the bill of the House entitled an act concerning assault and battery.

And have appointed Messrs. Fowler, Scott, Robertson, Bertrand and Berry a committee of conference on part of the House to confer with such committee as may be appointed on part of Senate.

The House have also disagreed to the substitute of the Senate to the bill of the House entitled an act for the relief of Samuel Adams, late Governor, and have appointed a committee of conference on part of the House consisting of Messrs. Floyd, Simmons, Wilson of Johnson, Hall, and Smith, to confer with such committee as may be appointed on part of the Senate.

Mr. McKean, from a select committee, made the following report:

Mr. President—The select committee to whom was referred the memorial for the removal of the Red river raft, have had the same under consideration, and have instructed me to report a substitute, and recommend the adoption of the same.

McKEAN, *Chairman.*

To the honorable the Senate and House of Representatives in Congress assembled:

Your memorialist, the General Assembly of the State of Arkansas, would respectfully press upon the attention of Congress the importance and necessity of adopting efficient measures for the removal of the raft in Red river.

In the judgment of your memorialist, it cannot be controverted that it is an object eminently national in its character, and to which the public money can be constitutionally applied; and your memorialist cannot entertain the belief, that while Congress annually expends large sums for public works on the seaboard, that a comparatively small pittance will be denied for a great national object in the west, the attainment of which is demanded by considerations of public policy and individual justice.

The general government, in making appropriations previous to 1836, for the purpose, induced a large emigration above the raft, and hundreds of thousands of acres of the public domain were purchased at the Washington and Natchitoches land offices, and put into cultivation under the implied guarantee that the removal of the raft would be speedily prosecuted to completion; thereby making one of the great tributaries to the Mississippi river available as a common highway to the market for western and southern produce.

Without the aid of the general government in removing this greatest obstruction in the navigation of Red river, the landed property of individuals above the raft must become comparatively valueless, and a great loss accrue to the general government in the public domain yet unsold—a loss which, in the estimation of your memorialist, will far exceed the cost of the entire removal of the raft. This obstruction being removed, the large bodies of public land above it would be taken up, and situated as they are, in a fine cotton region, the growth of that product would be greatly augmented.

But it is not on the ground of individual benefit or injury, that your memorialist urges the measure. It is on the higher grounds of being a public benefit, and unquestionably important to the general government. The United States is under a strong moral obligation to the Choctaw Indians, to open the navigation of Red river to their boundary west of Arkansas; the commissioner who treated with them having verbally promised it.

The main reason, in the judgment of your memorialist, for the completion of the work, is, that it would be a significant auxiliary in the military operations of the government. The raft is situated on our southwestern frontier, and there are garrisons above it which must be supplied with provisions, arms, and munitions of war. With the navigation of Red river obstructed, those things must be transported by land routes, at great expense, risk, and difficulty. It is probable that additional garrisons will, at some future time, be established on Red river above the raft (and particularly in the event of the annexation of Texas) to more effectually protect our southwestern territory from hostile aggression and Indian depredation. In case Texas should not be annexed, and should become the theatre of Mexican war, there can be but little doubt that the government would find it necessary to distribute a considerable military force high up on Red river, to prevent aggression; and in either event, the removal of the raft would be a matter of the highest consequence.

It would enable troops to be transported with celerity and convenience to any point on Red river, by water communication; and by the same communication, every thing necessary to successful military operations, could be obtained without the cost and delay incident to land conveyance.

To say nothing of its importance in a commercial point of view, which must strike every one at all acquainted with the geography of the country through which Red river passes, your memorialist believes that it is a measure sanctioned by sound policy, and recommended by a sense of justice to the southwest.

The experiments heretofore made, prove that the ultimate removal of the obstructions is entirely practicable; and, under the direction of an experienced and efficient officer, your memorialist confidently believes that the work would be speedily accomplished.

The apparent failure, *heretofore*, has been in consequence of the suspension of the work before it was fully completed, and owing to the want of an adequate appropriation.

The mode of operation, by contract, not having met public expectation, suggests the propriety of committing the work to the management of an officer under the command of the United States government.

It is believed that the plan accompanying the report of Col. Long, offers the cheapest and most effective mode of conducting the work. Your memorialist, therefore, asks of Congress that an appropriation of one hundred and fifty thousand dollars be made to complete the removal of the raft. And, as in duty bound, your memorialist will ever pray.

Which report and substitute were adopted, and the memorial read a third time and passed

On motion of Mr. Gaines, the bill entitled "an act to amend an act entitled an act to place the Bank of the State of Arkansas in liquidation, approved 3d February, 1843," was taken up and read.

Mr. Gaines moved to fill the blank in the 2d section with 50,000.

Mr. Ficklin moved to fill it with 30,000.

Mr. McCamy moved to fill it with 25,000.

The question was then taken on Mr. Ficklin's motion, and carried. So the blank was filled with 30,000 dollars.

Mr. Maxwell offered the following amendment to the bill, to be added to the 3d section:

"It shall be the duty of the attorney of the principal bank at Little Rock, in addition to the duties required of him by this act, to attend, to prosecute and defend all suits pending, or which may hereafter be pending, in the supreme court, on account of said principal bank and branches."

Mr. Gaines moved to amend the amendment by adding thereto the following—"without additional compensation."

Which was accepted by Mr. Maxwell.

The amendmendment was then adopted.

Mr. Gaines moved to amend the 5th section of the bill, by adding thereto the following, to-wit:

"And that the several attorneys for the bank and branches, which may be in the original bank districts, belonging to the bank or branches of which he is attorney." Which amendment was adopted.

Mr. Pelham moved to fill the blank in the 6th section of the bill with "15."

Mr. Black moved to fill it with "8."

And Mr. Gaines moved to fill it with "5."

Messrs. Pelham, Black and Gaines withdrew their motions to fill the blank in the 6th section.

Mr. Smith moved to fill the blank in the 6th section with "two."

Which motion prevailed.

On motion of Mr. Trimble, "$1200" was stricken out of the 2d line of the 8th section, and "$800" inserted in lieu thereof.

Mr. Trimble moved to strike out "$1,200" in the 3d line of the 8th section, and insert "$800" in lieu thereof, and called for the yeasand nays on his motion, which being ordered, were yeas 17, nays 6, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Hudson, Iruin, Maxwell, McCamy, McKean, Neely, Rives, Shaw, Smith, Trimble, Walker, Yell, and Mr. President—17.

Nays—Messrs. Clark, Gaines, Mitchell, Pelham, Reyburn, and Rose—6.

So the motion prevailed.

Mr. Rose offered the following amendment to the bill:

Strike out 11th section and insert the following—

That it shall be the duty of the financial receiver of the principal bank and branches to cause to be given to each debtor timely notice, in writing, of the amount of call and interest to be paid in, and the time when the same is due, and shall also require a new note at each renewal, and furnish to each debtor a blank note, with instructions how the same is to be filled up before executed. *Provided, however*, The lack of such notice and note shall not afford said debtor any defence against said bank, in any suit brought against him.

Which was rejected.

On motion of Mr. Gaines, the 11th section of the bill was stricken out.

Mr. Trimble offered to amend the 13th section of the bill, as follows:

Strike out the words "exclusive control" in the 2d line, and insert in lieu thereof, the "custody and management."

Which amendment was adopted.

Mr. Gaines offered to amend the bill, by striking out the 14th section, and inserting the following in lieu thereof, to-wit:

"*And be it further enacted*, That so much of the act to settle and liquidate the affairs of the Real Estate Bank of the State of Arkansas, as provides for the office of bank commissioner or visitor, be, and the same is hereby, repealed."

Which amendment was adopted.

Mr. Gaines offered to amend the 16th section of the bill thereto, the following, to-wit:

And that the receivers now in office shall hold the same for two years from the dates of their commissions, and the offices of financial receiver and attorney herein provided for, shall take effect from and after the time of the expiration of the commissions of their predecessors as aforesaid, and they shall be allowed compensation accordingly. And if any of the present receivers now in office shall fail to take and file the receipt aforesaid with the treasurer within the time specified, the receivers so failing shall be deemed guilty of a misdemeanor in office, and upon conviction thereof shall be fined in a sum not less than $—— and not more than $——, and the State treasurer shall prosecute the same for the State.

Which amendment was adopted.

On motion of Mr. Gaines, the first blank in the amendment was filled with 100, and the second blank with 5,000.

Mr. Gaines offered the following amendment to the bill, to-wit:

"Strike out the 17th section of the bill, and insert in lieu thereof, the following:

SEC. 17. *Be it further enacted*, That the financial receiver of each branch shall make out, at the end of every four months, a statement of the whole assets of the branch and forward the same to the principal bank; and the financial receiver of the principal bank shall furnish such information, together with a true statement of all the assets of the principal bank, every four months, to the Governor of the State; which vouchers the Governor shall file with the Secretary of State. And if any of the said financial receivers shall fail to make out such statement and forward the same, the same shall be deemed guilty of a misdemeanor in office, and shall forfeit and pay to the State a sum not less than $—— nor more than $——, to be recovered by the proper tribunal. And it shall also be the duty of the Governor to appoint a special agent, at least six months previous to the sitting of each General Assembly, which agent shall make a thorough personal examination of the books, papers and effects of the bank, count moneys, &c., of the bank and each branch, and lay a full and detailed statement, before the ensuing General Assembly, under oath."

Which amendment was adopted.

On motion of Mr. Gaines, the first blank in the 17th section was filled with 200, and the second blank with 2,000.

Mr. Rose offered the following amendment as an additional section to the bill, to-wit:

SEC. 19. *Be it enacted*, That it shall be the duty of the clerks, sheriffs, and other officers, and all witnesses, to discharge the duties of their respective offices, promptly, in any case where the principal bank or branches of the State be either plaintiff or defendant, without their fees being paid in advance, and shall wait for the termination of such suits before they demand their fees, except tax fees.

Mr. Irvin moved to amend the amendment of Mr. Rose, by striking out all after the word "without" in the 7th line and inserting "compensation."

On motion of Mr. Maxwell, the amendment offered by Mr. Rose, and the amendment offered by Mr. Irvin, were laid on table until the 4th day of July next.

Mr. Gainer offered to amend the bill, by adding an additional section, to-wit:

"SEC. 19. *Be it further enacted*, That all parts of laws inconsistent with this act, be, and the same are hereby, repealed."

Which amendment was adopted.

Mr. Trimble moved that the amendments made to the bill by the Senate, be engrossed. Which motion was lost.

On motion of Mr. Yell, the bill as amended, was read a third time; and the question being on the final passage of the bill, Mr. Gaines called for the yeas and nays, which being ordered, were yeas 18, nays 4, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, Maxwell, McCamy, McKean, Neely, Pelham, Reyburn, Rives, Smith, Stell, Trimble, Walker, Yell and Mr. President—18.

Nays—Messrs. Bean, Clark, Irvin, and Rose—4.

So the bill was passed.

Mr. Trimble, from the minority of the committee on the judiciary, made the following report:

Mr. President,—The undersigned, the minority of the committee on the judiciary, to whom was referred the bill to secure the property of married women, begs leave to report, that under existing laws, in regard to the property of married women, the rights of that portion of the human family in this State, are more limited and less secure than in any other portion of the civilized world. In a great portion of civilized Europe, where the civil law prevails, the property of married women is secured; and even in England, where the common law prevails, the law of *entails* allows property to be *entailed* for the benfit of the female portion of that kingdom; but in this State all entails are taken away. It is also a principle of the common law of England, that real estate cannot be sold for the payment of debts, thereby securing to married women the sure and ultimate right of dower; but as our laws provide for the sale of real estate for the payment of debts, the right of dower is virtually taken away. It is a principle recognized by our fundamental law, that all are equal; this equality certainly extends to the right of any and all to acquire and hold property, but under our laws this equality is destroyed, and the more feeble portion of our community are wholly unprotected, by a principle founded in the laws of nature, and sanctioned by the constitution of our State.

Which is respectfully submitted.

WM. TRIMBLE,
of judiciary committee.

Which report was read, and the bill and report of the majority of the committee on the judiciary, which were taken up on Mr. Trimble's motion and passed over informally at his request.

The bill from the House entitled "an act to call in the scrip of Searcy county," was taken up and read a second time.

On motion of Mr. Shaw, the rules were dispensed with, and the bill read a third time and passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

"*Mr. President*,—I am instructed to inform your honorable body, that the House of Representatives have adopted the joint report of the standing committee on the auditor's and treasurer's books.

The House have concurred in the resolution of the Senate to go into the election of public land agent on to-day, at 12 o'clock, M.

On motion of Mr. Ficklin, the Senate took a recess for 15 minutes.

At 12 o'clock, M., the Senate convened.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the hall of Representatives is now in readiness to receive the Senate, for the purpose of going into the election of public land agent, on to-day at 12 o'clock, M.

In accordance with the above message, the Senate repaired to the hall of the House of Representatives, and were seated.

The Speaker announced that nominations were in order for the office of public land agent.

Whereupon, Mr. Mayers of the House nominated Lambert J. Reardon.

No other nominations being made, the roll was called, when it appeared that Lambert J. Reardon had 92 joint votes, and David Thompson had 2 votes.

The Senators who voted for Lambert J. Reardon, are Messrs. Bean, Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell, and Mr. President—24.

The vote being announced, the Speaker proclaimed that Lambert J. Reardon, having received a majority of all the votes given, was duly elected public land agent for the term prescribed by law.

The Senate returned to their chamber.

The President having called Mr. Bean to the chair, asked and obtained leave of absence for a few days.

On motion of Mr. Yell, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

MONDAY, *December 23d*, 1844.

The Senate met pursuant to adjournment.

The roll being called, it appeared that there were seventeen Senators present.

The journal of the 21st inst. was read.

Mr. Clark presented two petitions, one signed by 55 and the other by 103 citizens of Clark county, remonstrating and protesting against a division of said county.

Which were read, and on motion of Mr. Clark, laid on the table for the present.

Mr. Trimble introduced the following resolution:

Resolved, That the committee on the auditor's and treasurer's books cause the proper entries to be made in the books of said auditor and treasurer, showing the result of the settlement and examination by them made; and that said committee, in the presence of said auditor and treasurer, burn the bonds of the State, paid and taken up, which had been given for money borrowed of the State bank and branches, and also the scrip of the Territory and State of Arkansas, paid and redeemed during the last two years; and that the House of Representatives be requested to concur herein.

Which was read and adopted, and the House of Representatives informed thereof.

The bill from the House, to be entitled "an act to incorporate the town of Van Buren, was read a second time, and ordered to a third reading on to-morrow.

The bill from the House, entitled "an act, declaring Little Red river a navigable stream," was read a third time and passed.

The bill to be entitled "an act, for the redemption of real estate and for other purposes," was read a third time.

And the question being on the final passage of the bill, Mr. Black called for the yeas and nays;

Which being ordered, were yeas 8, nays 15, as follows:

Yeas—Messrs Clark, Gainer, McKean, Reyburn, Rives, Rose, Trimble and Yell—8.

Nays—Messrs. Bean, Black, Ficklin, Hudson, Irvin, Maxwell, McCamy, Mitchell, Neely, Pelham, Shaw, Smith, Stell, Walker and Mr. President—15.

So the bill was lost.

Mr. Ficklin asked and obtained leave, to introduce a bill, to be entitled "an act to regulate the fees of recorders, and for other purposes."

Which was read a first time.

On motion of Mr. Ficklin, the rules were dispensed with, and the bill read a second time, and referred to a select committee, consisting of Messrs. Black, Neely and Ficklin.

Mr. McKean, from the committee on memorials, made the following report:

Mr. President—The committee on memorials, according to instructions, report the following memorial:

To the Honorable the Congress of the United States:

The memorial of the General Assembly of the State of Arkansas, requests that a mail route be established, to commence at the Antoine post office, in the county of Clark, thence by Pike court house and Fort Towson, to Fort Ouachita, on Red river,"

Which was read a first time.

On motion of Mr. McKean, the rules were dispensed with, and the memorial read a second and third time, and passed.

Mr. Irvin, from a select committee, made the following report:

Mr. President—The select committee to whom was referred the bill, entitled "an act authorizing Marina Clark, as administratrix of the estate of William Clark, deceased, to sell and dispose of real estate which belong to said estate," have had the subject matter under consideration, and a majority of said committee, have anthorized me to report the following amendments hereinafter set out, and recommend the passage of the bill with the amendments respectively.

All of which is herewith respectfully submitted.

MILLER IRVIN, *of Phillips*,
Chairman.

Amend the bill, authorizing Marina Clark, as administratrix of William Clark, deceased, to sell real estate," by inserting the words "other purposes," after the word estate, in the third line of the title of the bill, and by attaching another section, to be designated section 4 in said bill, in the following words, to-wit:

SEC. 4. *Be it further enacted*, That the judges of the probate courts within the several courts of this State, and such counties as may be hereafter established, shall have full power, when by such judge or judges, it shall be deemed expedient and proper, to grant an order, on the prayer of any legally constituted administrator, administratrix, or guardian, to sell real estate or slaves, or the interest therein belonging to the estate of deceased persons, or minors, upon such terms to be specified in such order, as such court shall deem just, and of interest to such estate or minors. Such administrator, administratrix or guardian, having given notice in some newspaper printed in such county, or by written notice, to be set up in the clerk's office of such county, stating the kind and quantity of such property sought to be sold, four weeks before such application for such order of sale.

The enacting clause to be styled the fifth section; and further amend, in the 2d line, after the word passage, by inserting "and all laws, or such parts thereof, as are repugnant to the provisions of this act, be, and the same are hereby repealed."

Which report was read and adopted.

Mr. Trimble offered to amend the bill as follows:

And be it further enacted, That in all cases where any court of probate, shall believe it to be for the interest of the estate, to direct any administrator or guardian, to retain the personal property and slaves in his hands, so as to continue the purposes of farming, the court shall make an order to that effect; and said administrator or guardian, shall account for all the proceeds of said farm, to the probate court.

Which amendment was adopted,

And the bill as amended, was read a third time and passed.

The resolutions instructing our Senators in Congress, and requesting our Representative, to use their exertions to have the land system so changed, that the "descriptive lists" may hereafter be filed with the clerks of the circuit courts in each county in the State," were read a second time.

On motion of Mr. Rives, the rules were dispensed with, and the resolutions read a third time and passed.

Mr. McKean offered the following resolution:

Resolved, That our Senators in Congress, be instructed, and our Representative requested, to have a mail route established from Columbus, Hempstead county, to Lanesport in Sevier county; and that a new post office be established at John W. Nunly's and at Thomas W. Scott's, in Pine Prairie. Also, a post office at Lanesport in said county of Sevier."

Which was read a first time.

On motion of Mr. McKean, the rules were dispensed with, and the resolutions read a second and third time and passed.

On motion of Mr. Trimble, the bill to be entitled "an act to secure the property of married women," was referred to the committee of the whole, and made the order of the day for to-morrow.

Mr. Trimble asked and obtained leave to introduce a bill to be entitled "an act to incorporate the Jenning's Fall's Manufacturing company,"

Which was read a first time,

And on motion of Mr. Trimble, the rules were dispensed, the bill read a second time and referred to a select committee, consisting of Messrs. Trimble, Gaines, and McCamy.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President,—The committee on enrolled bills, have this day handed to the Governor, for his approval, "an act declaring the White river a navigable stream.

MITCHELL.

On motion of Mr. Ficklin, the Senate adjourned.

JOHN WILLIAMSON, *President of the Senate.*

TUESDAY MORNING, *December 24th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were eighteen Senators present.

The Journal of yesterday was read.

Mr. Pelham, from a select committee, made the following report:

Mr. President—The select committee to whom was referred, the act to increase the duties of county court clerks, in the State of Arkansas," have had the same under consideration, and have instructed me to report, that in the opinion of your committee, the laws in the revised statutes of Arkansas, embraced in chapters sixteen, thirty-eight, forty-one, forty-seven, throw sufficient guards round the county revenue to protect it from fraud, and consider the said act wholly unnecessary at this time, would therefore recommend its rejection.

PELHAM, *Chairman.*

Which report was read and adopted.

Mr. Shaw, from a select committee, made the following report:

Mr. President,—The select committee to whom was referred the bill, to be entitled "an act concerning marriages," have had the same under consideration, and have instructed me to report the accompanying bill as a substitute for the original, and to recommend the passage of the same.

Which is respectfully submitted.

SHAW, *Chairman Select Committee.*

Which report and substitute accompanying it, were read.

Mr. Black moved to reject the report, and called for the yeas and nays,

Which being ordered, were yeas 15, nays 9, as follows:

Yeas—Messrs. Bean, Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, Neely, Reyburn, Stell, Walker, Yell and Mr. President—15.

Nays—Messrs. McCamy, Mitchell, McKean, Pelham, Rives, Rose, Shaw, Smith, and Trimble—9.

So the report was rejected.

Mr. Gaines, from the committee on ways and means, read the following report:

Mr. President—The joint committee of ways and means, have been considerably delayed in reporting a bill for the necessary appropriations of this session, on account of the peculiar situation of the currency and finances of the State, together with the large amounts which were spent, during the last two years, for the purpose of locating the 500,000 acres of land, donated to the State for internal improvements, and for carrying out the provisions of the act, placing the bank of the State in liquidation. These two items alone, produced a demand on the treasury, of near thirty thousand dollars, and increased the expenses greatly above the ordinary means accruing to the State treasury. To provide for the repayment of these funds into the treasury, from the respective interests to which they have been applied, and to provide, that in future, they shall each furnish the means in the State treasury, to pay the officers whom the State has appointed to carry out the acts of the General Assembly, with regard to these interests, has been a subject of much difficulty and embarrassment—and one about which, (on account of the depreciated state of Arkansas paper) some difference of opinion existed in the committee; we have, however, agreed to report the accompanying bill, for the consideration of the General Assembly, by which it will be seen, that the committee have provided, that the bank shall repay into the treasury, the amount of money paid out of the treasury, for conducting the process of liquidation of the bank, in the same kind of funds which were paid out of the treasury. It is also provided, that the amount shall be repaid by the bank, out of the internal improvement fund, under its control, that the treasury has paid out for locating, and other expenses connected with the location of the 500,000 acre donation, in such funds as the same have been paid out of the treasury.

The next, and most important subject, for the consideration of the committee, was the subject of collecting, in future, nothing but par funds, or gold and silver, into the treasury of the State; which, by reference to the bill presented for your consideration, it will be seen, was the ultimate conclusion of the committee. It was argued on one side, that the issues of the State bank and branches, by the provisions of its charter, were to be received in all public dues, and therefore, it was an implied obligation on the part of the State, to continue to take them, as long as they exist. On the other hand, it has been contended, that the bank, by the provisions of its charter, promised to keep its paper *at par*, and having wholly failed to do so, the State is under, no longer, obligations to receive its issues at par, for State revenue; which, if persisted in longer, must destroy, in a great measure, the energies of the State government, by driving many of its most valuable public officers into retirement, and must also, ultimately lead to heavier taxation upon the people, from the fact, that while our treasury is supplied with a depreciated currency only, the contingent expenses, which amount to over one third of the expenses of the State, cost twice, and not unfrequently, thrice as much as they would amount to with par funds, to pay for them. This excess of nominal cost, must lead to more nominal taxation, which would invariably lead to oppression upon the small tax payers, who now, nearly all pay their taxes in specie, while the large tax payers are but little benefitted, as they must sooner or later, be taxed to make good the deficiency, which must be produced in the treasury. Then there is no material benefit to any but the collector, who receives good funds and pays into the treasury, depreciated paper.

Your committee are of opinion, that enough revenue may be collected, by levying the present rate, say one eight of one per cent. State tax, provided we can so arrange the revenue laws as to get that amount on all lands and town lots, valued at what they, and the improvements thereon, are worth, and by collecting the revenue in specie.

Our present laws are defective upon this subject, and a decision of the supreme court, has prevented any collection of revenue from improvements on town lots for some time back; which has caused a diminution in the revenue arising from town lots, of several thousand dollars. Our present law imposes a tax of 1–8 per cent. on the value of all taxable property in the State; but in its practical operation upon those who pay in Arkansas bank paper, there is but 1–6 of one per cent. realized, from the fact, that the property is invariably valued at specie price, and one eighth of one per cent. on that valuation paid in Arkansas bank paper, which ranges at about 50 cents on the dollar. It may be argued, that the State is acting in bad faith to the holders of the issues of the State bank, by refusing to take them in for State revenue; to this, it may be answered, that the bank has acted in bad faith, both to its note holders and the State, and has thereby, to a certain extent, forfeited the confidence of both. But the State while she has been compelled to separate her treasury from the bank, in order to preserve her rights, and carry out her agreements with her officers, and save her citizens from further imposition, is determined to carry out in good faith, and to enforce, with such power as she may possess, the act placing the State bank and branches in liquidation. She receives, as before, all the notes of the bank and branches, in payment of debts due the bank. This, from the small amount of the outstanding circulation, must in a short time, rid the State of its paper, while, if the treasury was to continue to receive and pay it out in all its operations, it would keep it in circulation to a much greater length of time. The notes of the bank promised the holder the amount inserted on their faces, when presented at the bank or branch, where payable. This promise, on the part of the bank, has been long since disregarded, either from interest or want of ability. The ability to redeem them in specie, neither exists in the bank or the treasury; but the bank has the ability, through its debtors, sooner or later to redeem them, and will, we doubt not, take up its circulation in a short time.

Your committee unhesitatingly express it as their opinion, that the State treasury should, at as early a period as possible, be placed beyond the shackles of the bank, and thereby enable it to meet promptly, its engagements. It is further suggested, that, as our revenue will hereafter be collected in good funds, that many of the expenses and salaries now existing, might, without detriment to the public interest, be reduced, among which, is the large amount allowed for clerk hire in the offices of auditor and secretary of State, and the additional allowance of two hundred dollars each, to the secretary of State, auditor and treasurer, for services required of them, on account of the 500,000 acre donation. The establishment of a land agency, we should think, ought to supercede the necessity of at least a portion of these services. The office of commissioner of public buildings might be connected with the duties of secretary of State, and the salary now paid for that office reduced at least one half.

All of which, is most respectfully submitted.

J. F. GAINES, *Chairman.*

Which report was read,

And, on motion of Mr. Trimble, laid on the table for the present.

The bill to be entitled "an act, making appropriations for the year 1845, 1846, and part of the year 1844, and for balances due from the State, and for other purposes," accompanying the above report, was read a first time,

And, on motion of Mr. Trimble, ordered to be printed.

Mr. Yell presented a memorial from Mary Ann Smith, Robert H. Douglass and John F. Smith, of the county of Arkansas, praying the General Assembly to pass an act reviving and continuing in force an act, passed at the last session of the General Assembly, for the relief of Mary Ann Dye.

Which memorial was read.

In accordance with the prayer of said memorialists,

Mr. Yell asked and obtained leave. to introduce a bill, to be entitled "an act for the benefit of John F. Smith, administrator *de bonis non* of the estate of William H. Dye and Robert H. Douglass, executors of the last will and testament of Reuben Dye, deceased.

Which was read a first time.

On motion of Mr. Yell, the rules were dispensed with, and read a second time, and referred to the committee on the judiciary.

Mr. Neely, from the committee on internal improvements, mode the following report:

Mr. President,—The committee on internal improvements to which was referred a bill to be entitled "an act supplementary to an act relating to public roads and highways, and the overseers thereon, approved, February the 3d, 1843," beg leave to report, that the act to which this bill is a supplement, has been repealed by the Senate, and is now under discussion in the House of Representatives. We are also of opinion, that the bringing up before the circuit court any and every person, who in the judgment of the overseers of the roads may be a defaulter, would lead to an amount of litigation in that court, that would be at once costly and oppressive to the parties engaged in the same, besides rendering the court full of litigious matter, which would in a great measure, embarrass them in their business.

Truly, the courts have decided, that the justices of the peace, have no jurisdiction in such cases, and it is impossible to clothe any tribunal, constitutionally, with the power of collecting fines and forfeitures, in such cases, but the circuit courts.

Your committee are of opinion that the present road laws, objectionable as they are, and as as inoperative as they may be, had better remain unaltered until such time as the constitution of the State can be so changed, as to give justices of the peace jurisdiction in the matter.

Your committee, therefore, would respectfully ask to be discharged from the further consideration of the bill referred to them.

C. NEELY, *Chairman.*

Which report was read,

And, on motion of Mr. Irvin, laid on the table for the present.

Mr. Irvin asked and obtained leave to introduce a bill to be entitled "an act to erect and keep a toll bridge across the stream, known as Big creek."

Which was read a first time.

On motion of Mr. Irvin, the rules were dispensed with, and the bill read a second time, and ordered to a third reading on to-morrow.

On motion of Mr. Maxwell, the orders of the day were taken up.

The bill from the House, entitled "an act to incorporate the town of Van Buren," was read a third time, and the question being on the final passage of the bill,

Mr. Gaines called for the yeas and nays, which being ordered, were yeas 15, nays 7, as follows:

Yeas—Messrs. Bean, Clark, Irvin, Maxwell, McCamy, McKean, Neely, Reyburn, Rose, Shaw, Smith, Stell, Trimble, Walker and Yell—15.

Nays—Messrs. Ficklin, Gainer, Gaines, Hudson, Mitchell, Pulham, and Mr. President—7.

So the bill was passed.

Mr. Pelham asked and obtained leave to introduce the following resolution:

Resolved, That the committee on the judiciary be required to examine whether it is by law made the duty of any officer of the State to attend to the collection of moneys dne, or becoming due, from persons who have purchased, or who may purchase any of the lands of the State; and to ascertain if any farther Legislation be necessary to protect the interest in the collection of such claims, and that they report by bill or otherwise.

Which was read and adopted.

On motion of Mr. Maxwell, the bill to be entitled "an act to secure the property of married women,"

Which was, on yesterday referred to the committee of the whole, and made the order of the day for to-day, was taken up.

On motion of Mr. Trimble, the Senate resolved itself into a committee of the whole, on the bill to secure the property of married women. Mr. Black in the chair.

A message was received from his excellency, the Governor, informing the Senate that he had approved and signed "an act declaring White river a navigable stream."

The committee of the whole rose, and the chairman reported back the bill to be entitled "an act to secure the property of married women," to the Senate without amendment.

Which bill was read a third time.

Mr. Gaines offered to amend by adding the following section to the bill, to wit:

SEC. 2. *And be it further enacted*, That married women, in consequence of their right to enjoy and hold property independent of their husband, that hereafter a married woman shall have power and authority to make contracts in her own name, without the consent of her husband, and that such contracts shall be binding on her only, and not on the husband, nor shall the contracts of either, bind the property of the other, and the property of each shall be given separately for taxes, and if not so given in for taxes, it shall be taken as property in common stock, and be liable for the debts of both or either, nor shall the husband give or sell any property whatever that he may possess, either directly or indirectly, to the wife, nor shall he pay the debts of the wife while he is liable for any debt or obligation whatever: and if he shall make such gift, or sale, or pay such debts, then the debts or obligations of the husband shall be binding on the property of the husband and the wife both, and this act shall be prospective only in its baring, and shall not affect contracts now in existence.

Which amendment being read, and the question being on the adoption, Mr. Gaines called for the yeas and nays, which being ordered, were yeas 5, nays 18, as follows:

Yeas—Messrs. Gaines, Neely, Rose, Shaw and Stell—5.

Nays—Messrs. Bean, Clark, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Pelham, Reyburn, Rives, Smith, Trimble, Walker, Yell and Mr. President—18.

So the amendment was not adopted.

The question then being on the final passage of the bill, Mr. Gaines called for the yeas and nays, which being ordered, were yeas 12, nays 12, as follows:

Yeas—Messrs. Bean, Clark, Ficklin, Hudson, Maxwell McCamy, McKean, Pelham, Reyburn, Rives, Smith and Trimble—12.

Nays—Messrs. Black, Gainer, Gaines, Irvin, Mitchell, Neely, Rose, Shaw, Stell, Walker, Yell and Mr. President—12.

So the bill was lost.

Mr. Ficklin then introduced the following resolution:

Resolved, That the two Houses go into the election of an auditor tor and treasurer for the State, one financial receiver, and one bank attorney for the principal bank and each of its branches, at 12 o'clock on Saturday next; and that the House of Representatives be requested to concur in the same. FICKLIN.

Which was read, and on motion of Mr. Clark, laid on the table for the present.

On motion of Mr. Maxwell, the Senate adjourned.

WEDNESDAY, *December 25th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate.

The roll being called, it appeared that there were twenty Senators present.

The journal of yesterday was read.

Mr. Trimble from the committee on the judiciary made the following report:

Mr. President—The committee to whom was referred the bill to be entitled "an act to define the duties of witnesses, and for other purposes," have had the same under consideration, and instruct me to report the same back to the Senate, and recommend the passage thereof.

Which is respectfully submitted.

WM. TRIMBLE, *Chairman*
of Judiciary Committee.

Which was read.

Mr. Trimble moved that the Senate adjourn.

Upon which Mr. Gaines called for the yeas and nays, which being ordered, were yeas 14, nays 9, as follows:

Yeas—Messrs. Clark, Ficklin, Gainer, Irvin, Maxwell, McCamy, McKean, Pelham, Reyburn, Rives, Rose, Smith, Trimble and Yell —14.

Nays—Messrs. Bean, Black, Gaines, Hudson, Mitchell, Neely, Stell, Walker and Mr. President—9.

So the Senate adjourned.

JOHN WILLIAMSON, *President.*
of the Senate.

THURSDAY, *December 26th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were eighteen Senators present.

The journal of yesterday was read.

Mr. Black introduced the following memorial:

To the honorable the Senate and House of Representatives of the United States, in Congress assembled.

Your memorialists, the General Assembly of the State of Arkansas, would respectfully represent to your honorable bodies that under acts of Congress, a large extent of country, now in the limits of this State, and lying between the rivers St. Francis and Arkansas, was surveyed many years since, for the purpose of satisfying bounties of land promised to non-commissioned officers and soldiers of the United States, their heirs and legal representatives, by acts of Congress of the 24th Dec., 1811, 11th Jan., 1812, 8th July, 1813, 28th Jan., 10th Feb. and 10th December, 1814; and that in surveying two millions of acres of land fit for cultivation, as required by law, a considerable portion of land was surveyed deemed unfit for cultivation, and so reported by the United States surveyors; and that the land reported unfit for cultivation, was not taken to satisfy military bounties, but was advertised and offered for sale, but being of inferior quality, and unfit for cultivation, little of it, if any, was or has since been sold. That this land has remained subject to entry nearly a quarter of a century, and that your memorialists believe it will never command the minimum of one dollar and twenty-five cents per acre, and that much of it could not be sold at any price. That the lands in the military districts, which were reported by the U. States surveyors as fit for cultivation, have either been patented to satisfy bounties to soldiers, or are reserved from sale for that purpose. That by reason of the great difficulties in obtaining valid titles to lands patented to satisfy bounties to soldiers, many of whom are dead or dispersed, not only throughout the United States, but to other parts of the world, so that in most instances, neither they nor their legal representatives can be found by persons wishing to purchase: and by reason of the quantity of land unpatented and reserved from sale, to satisfy bounties, the settlement, improvement and cultivation of lands, in that part of the State of Arkansas embraced in the military district, has not only been much retarded, but to a considerable extent prevented. That the original western boundary of the territory of Arkansas, extended forty miles west of the present western boundary of the State of Arkansas; that the country intervening betwen these two boundaries, was taken off of the territory of Arkansas, and appropriated by acts of Congress and treaties, to large tribes of Indians, removed from the limits of other States and the territory of Florida, and crowded upon our whole western border. That under these circumstances, your memorialists believe that it would add much to the strength of our State, and to the security of its citizens, to have every part of this State as densely populated as practicable, and that as an act of justice, your honorable bodies will not fail in promoting such a result, so far as the military district is concerned, especially when in so doing, the revenue of the general government will not be affected thereby, and the cause of education will be aided and promoted.

Your memorialists would, therefore, respectfully ask your honorable bodies to pass a law, granting to the State of Arkansas, for the purpose of aiding in the establishment and support of common schools throughout the State, all such unappropriated lands in this State, as were surveyed between the rivers St. Francis and Arkansas to satisfy military bounties, but which were reported by the United States surveyors as unfit for cultivation, and therefore not patented or reserved for satisfying such bounties; and that authority be granted to the General Assembly of this State to pass all laws which shall from time to time be deemed necessary, for the sale and disposal of such lands upon such terms and in such quantities as shall be deemed best calculated to cause the speedy settlement of the land, and the earliest aid towards the establishment and support of common schools throughout the State of Arkansas. And your memorialists will ever pray, &c.

The Governor is requested to cause a copy of this memorial to be furnished to each of our Senators and our Representative in Congress, and they are hereby instructed to use their best exertions to obtain for this State the grant prayed for in the memorial, and for the purposes therein stated.

Which was read a first time.

On motion of Mr. Black, the rules were dispensed with, and the memorial read a second time.

And on further motion of Mr. Black, the memorial was referred to a select committee consisting of Messrs. Black, Maxwell and Shaw.

Mr. Walker from the committee on memorials made the following report:

Mr. President—The committee on memorials to whom was referred a resolution of the Senate, instructing them to inquire into the expediency of instructing our Senators and requesting of our representative in Congress to use their influence for the passage of a law organizing a territorial government over the Oregon territory, and providing a military force for the protection of the same, &c., have duly considered the same, and instructed me to report by preamble and joint resolutions as follows:

J. G. WALKER, *Chairman.*

Preamble and joint resolutions of the General Assembly of Arkansas, on the subject of Oregon territory.

Whereas, in the opinion of this General Assembly, the title of the United States to that portion of the territory of Oregon lying between the parallels of 42 deg. and 54 deg. 40 min. north latitude, extending from the Rocky Mountains on the east, to the Pacific ocean on the west, including the entire valley of Columbia river, now in dispute between the United States and Great Britain, is clearly and fully established by purchase from Spain, and by priority of discovery.

And, whereas, the benefits and advantages of that large and valuable territory, are almost exclusively enjoyed by the British government and by British subjects: and, whereas, the citizens of the United States are prohibited from settling and trading in that territory, by the unjust and high handed movements of British trading companies; therefore,

Be it resolved, That our Senators in Congress be instructed and our Representative requested to use all their influence with the Congress of the United States to pass a law organizing a territorial government over said territory, and providing for its maintenance, and the protection of the citizens settling or trading there, by a sufficient military force for that purpose.

Further, resolved That his excellency, the Governor of this State, forward to our delegates in Congress, copies of this preamble and resolutions.

Which was read a first time, and ordered to a second reading on to-morrow.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have assented to the bill of the Senate, entitled "an act to change the time of holding the probate and county courts of Randolph county."

Which is herewith returned.

The House of Representatives have passed "an act regulating the duties and fees of constables."

Also, "an act more fully to define and establish the line between the counties of Yell and Montgomery."

And also, "an act to establish the county of Dallas."

All of which are herewith transmitted for the assent of the Senate."

Mr. Trimble from the committee on the judiciary, made the followed report:

Mr. President,—The judiciary committee to whom was referred the bill to be entitled "an act to authorize the Secretary of State to appoint a deputy," have had the same under consideration, and instruct me to report the same to the Senate, with an amendment at the end of the second section in the following words, viz:

"*Provided*, No salary or per diem pay be allowed to said debuty."

Wm. TRIMBLE, *Chairman*
Jud. Com.

Which report was read and adopted, and the bill as amended, read a third time and passed.

Mr. Gaines from the committee on the judiciary, made the following report:

Mr. President—The committee on the judiciary have had the bill entitled "an act to exempt certain persons from paying poll taxes," under consideration, and have instructed me to report the same back with an amendment, by striking from the word "or," in the 8th line, to the word "upwards," in the 9th and 10th line.

All which is respectfully submitted. GAINES.

Which report was read and adopted, and the bill accompanying it read a third time as amended.

Mr. Smith moved to refer the bill to a select committee.

Which was lost.

The question being then on the final passage of the bill, Mr. Neely called for the yeas and nays, which being ordered, were yeas 10, nays 12, as follows:

Yeas—Messrs. Black, Clark, Gaines, Hudson, Irvin, Maxwell, McKean, Neely, Trimble and Mr. President—10.

Nays—Messrs. Bean, Ficklin, Gainer, McCamy, Mitchell, Pelham, Reyburn, Rives, Rose, Smith, Stell and Walker—12.

So the bill was lost.

On motion of Mr. Trimble, the report of the judiciary committee made on the bill of the House, entitled "an act to define the duties of witnessess, and for other purposes," on yesterday was taken up and read, and the bill accompanying it, was read a third time and passed.

Mr. Gaines asked and obtained leave to introduce a bill to be entitled "an act supplementary and explanatory of an act passed this session of this General Assembly, approved 20th Dec., 1844, entitled an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas for the purpose of internal improvement, and to establish a land office for that purpose."

Which was read a first time, and ordered to a second reading on to-morrow.

Mr. Trimble asked and obtained leave to introduce a bill to be entitled "an act concerning debts due, or which shall be due the State."

Which was read a first time.

On motion of Mr. Black, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Black, the bill was referred to the committee on the judiciary..

Mr. Trimble asked and obtained leave of absence for Mr. Yell on account of indisposition.

Mr. Trimble from the committee on the judiciary, in the name of Mr. Yell, made the following report:

Mr. President—The committee on the judiciary have had the bill entitled "an act for the benefit of John F. Smith, administrator *de bonis non* of the estate of William H. Dye, and Robert H. Douglass, executor of the last will and testament of Reuben Dye, deceased," under consideration, and have instructed me to report the same back without amendment, and recommend its passage.

YELL, *Senator.*

Which was read, and on motion of Mr. Trimble laid on the table for the present.

Mr. McKean asked and obtained leave to introduce a bill to be entitled "an act to prescribe the time of holding the circuit court in the county of Polk."

Which was read a first time.

On motion of Mr. McKean, the rules were dispensed with, and the bill read a second and third time and passed.

On motion of Mr. Rives, the bill to be entitled "an act making appropriations for the years 1845, 1846, and part of the year 1844, and for the balances due from the State, and for other purposes," was read a second time.

On motion of Mr. Black, the bill was referred to the committee of the whole, and made the order of the day for to-morrow.

The bill to be entitled "an act to authorize William F. Moore to erect and keep a toll bridge across the stream known as big creek," was read a third time and passed.

On motion of Mr. Newton, the bill from the House to be entitled "an act to appropriate the whole of the common school fund to the purchase of books for common schools," was taken up and read a second time.

On motion of Mr. Newton, the bill was referred to the committee on education.

The message received from the House on the 21st inst., was taken up and read.

Mr. Ficklin moved to dispense with the further reading of the messages.

Upon which motion, Mr. Pelham called for the yeas and nays, which being ordered, were yeas 5, nays 18, as follows:

Yeas—Messrs. Clark, Ficklin, Gainer, Maxwell and McKean—5.

Nays—Messrs. Bean, Black, Gaines, Hudson, Irvin, McCamy, Mitchell, Newton, Neely, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Trimble, Walker and Mr. President—18.

So the motion was lost.

The bill from the House, entitled "an act to authorize James H. Caldwell, executor of the last will and testament of Charles Caldwell, deceased, to sell real estate," was read a first time.

On motion of Mr. Pelham, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Newton, the bill was referred to the committee on the judiciary.

On motion of Mr. Rose, a committee of conference was appointed, consisting of Messrs. Yell, Shaw, McKean, Newton and Walker, on the disagreement between the two Houses on the bill of the House, entitled "an act to amend the laws of assault and battery," and the substitute of the Senate therefor, to confer with Messrs. Fowler, Scott, Robertson, Bertrand and Berry, committee on the part of the House of Representatives.

On motion of Mr. Rose, a committee of conference was appointed, consisting of Messrs. Shaw, Gaines, McKean, McCamy and Rives, on the disagreement between the two Houses on the bill of the House entitled "an act for the relief of Samuel Adams, late Governor of this State," and the substitute therefor of the Senate, to confer with Messrs. Fowler, Simmons, Wilson of Johnson, Hall and Smith, committee on part of the House of Representatives.

The bill from the House, entitled "an act regulating the duties and fees of constables," was read a first time.

On motion of Mr. Black, the rules were dispensed with, and the bill read a second time, and referred to the same select committee to whom was referred a bill of the Senate, entitled "an act to regulate the fees of recorders, and for other purposes," consisting of Messrs. Black, Ficklin and Shaw.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of of Representatives have adopted the following resolution:

Resolved, That the Houses go into the election of auditor and treasury on Saturday next, at 12 o'clock, M., and the Senate be requested to concur herein.

Mr. Newton introduced the following preamble and resolution:

Whereas, The clerk of the House of Representatives in delivering a message to the Senate this morning, treated the President pro tem with seeming disrespect.

Be it therefore resolved. That the House be informed that no further message will be received by the Senate from the House of Representatives, conveyed by the present clerk of that House, until an explanation of his conduct is made.

Which were read and adopted, and transmitted to the House of Representatives.

The bill of the House, entitled "an act more fully to define and establish the line between the counties of Yell and Montgomery," was read a first time.

On motion of Mr. Reyburn, the rules were dispensed with, and read a second time.

An on further motion of Mr. McKean, the bill was referred to a select committee, consisting of Messrs. Reyburn, Gaines and Rose.

The bill from the House entitled "an act to prevent betting on elections" was read a first time.

Mr. Pelham moved to dispense with the rules, and read the bill a second time.

Which motion was lost.

On motion of Mr. Ficklin the bill was rejected.

The bill from the House entitled "an act for the relief of the heirs and the legal representatives of the late John Lenox," was read a first time.

On motion of Mr. Pelham, the rules were dispensed with and the bill read a second time.

On motion of Mr. Newton, the bill was referred to the committee on the judiciary.

The bill from the House to be entitled "an act to establish the county of Dallas," was read a first time.

On motion of Mr. Hudson, the rules were suspended, and the bill read a second time, and, together with all the remonstrances presented by Messrs. Clark and Hudson, against a division of the counties of Clark and Bradley, were referred to a select committee of five, consisting of Messrs. Hudson, Clark, Trimble, Reyburn and Newton.

On motion of Mr. Black, the Senate adjourned.

FRIDAY MORNING, *December 27th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate:

The roll being called, eighteen Senators answered to their names.

On motion of Mr. McKean, leave of absence was granted to Mr. Bean.

On motion of Mr. Walker, the vote of the Senate yesterday, on Mr. Ficklin's motion to reject the bill of the House, entitled "an act to prevent betting on elections," was reconsidered.

Mr. Black from a select committee made the following report:

Mr. President—The select committee to whom was referred the memorial asking Congress to donate to the State of Arkansas all the lands in the military district in said State, reported by the United States surveyors as "unfit for cultivation," for the support of common schools, have had the same under consideration, and have instructed me to report the same back to the Senate without amendment, and recommend its passage.

Respectfully submitted.

BLACK, *Chairman*
Select Committee.

Which report was read and adopted, and the memorial accompanying it read a third time and passed.

Mr. Reyburn from a select committee, made the following report:

The committee to whom was referred the bill entitled "an act more fully to define and establish the line between the counties of Yell and Montgomery," have had the same under consideration, and have instructed me to report the same back to the Senate without amendment, and recommend the passage of the same.

REYBURN.

Which report was read and adopted, and the bill accompanying it, read a third time and passed.

Mr. Shaw from the committee of conference on the bill of the House, entitled "an act for the relief of Samuel Adams, late Governor of this State," made the following report:

Mr. President—The committee of conference on a bill to be entitled "an act for the relief of Samuel Adams, late Governor," have agreed upon the following amendment to the bill of the House of Representatives, viz:

"Strike out $632 and insert $572, wherever the same occurs in the bill."

This difference is made because of $60 having been paid by said Adams to Capt. Houston, for moneys furnished J. K. Taylor, which were not connected with the business of the State, and your committee recommend that the Senate recede from their amendment, and adopt the bill of the House, with the amendments proposed.

All of which is respectfully submitted.

SHAW, *Chairman*

Which report was read and adopted.

The following message was received from the House of Representatives, by A. B. Greenwood, esq.

Mr. President—I am instructed to inform your honorable body, that the clerk of the House of Representatives, in accordace with a demand by the Senate, is now ready to make all explanations as required by a resolution of the Senate of yesterday.

Which is respectfully submitted.

A. B. GREENWOOD,
Deputed Messenger.

On motion of Mr. Clark, the message from the House, received by the hands of A. B. Greenwood, esq., was taken up and read.

Mr. Gaines introduced the following resolution:

Resolved, That the House of Representatives be informed that the Senate are now ready to receive any explanation the clerk of the House of Representatives may wish to make of his conduct on yesterday.

Which was read and adopted.

While the secretary of the Senate was preparing a message to the House of Representatives, informing that honorable body of the adoption of the foregoing resolution, introduced by Mr. Gaines, Mr. Trapnall from the House, delivered the following communication, to the Senate, from S. S. Tucker, esq., clerk of the House of Representatives:

Mr. President—Being demanded by your honorable body, and instructed by the House of Representatives, to make explanation of certain seeming discourtesy complained of in a resolution of the Senate of yesterday, with the permission of your honorable body, the clerk of the House of Representatives will proceed to explain.

The message of the House being announced by the doorkeeper of the Senate, the clerk, who by law is the messenger, seeing the chair occupied by other than the President, and not hearing the usual response, "Let the message be received," was for a moment under the impression that the Senate was in committee of the whole, when he hesitated; and when the honorable President *pro tem.*, arose from the chair, the clerk was persuaded that his impression was correct, but immediately on hearing the honorable President say to the honorable President *pro tem.*, "Judge keep your seat," the clerk approached the chair to deliver the message, but being embarrassed, it was done with irregularity, but without any intention of showing discourtesy to the honorable Senate, or to the President *pro tem.*, or to any honorable member.

Which is respectfully submitted.

S. S. TUCKER, *Clerk*
House of Representatives.

Which was read, and on motion of Mr. Ficklin, the resolution introduced by Mr. Gaines, was rescinded.

Mr. Gaines introduced the following resolution:

Resolved, That the Senate accept the written explanation of S. S. Tucker, clerk of the House of Representatives, as a full and satisfactory explanation from said clerk, and that the business of the two Houses proceed as heretofore; and that the House of Representatives be informed hereof.

Which resolution was read, and on motion of Mr. Rives, unanimously adopted, and the House of Representatives informed thereof.

The bill reported back this morning by Mr. Shaw from a committee of conference, entitled "an act for the relief of Samuel Adams, late Governor of the State of Arkansas," was read a third time as amended by the adoption of the report of said committee; and the question being on the final passage of the bill, Mr. Smith called for the yeas and nays, which being ordered, were yeas 22, nay 1, as follows:

Yeas—Messrs. Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Trimble, Walker and Mr. President—22.

The Senator who voted in the negative, was Mr. Smith—1.

So the bill was passed.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have examined an act to change the times holding the probate and county courts of Randolph county, and have instructed me to report the same correctly enrolled. WM. C. MITCHELL, *Chairman.*

Mr. Hudson, from a select committee, made the following report:

Mr President,—The select committee to whom was referred a bill to be entitled an act to establish the county of Dallas, have had the same under consideration, and a majority thereof have instructed me to report the bill back without amendment, and recommend the passage of the same. HUDSON, *Chairman.*

On motion of Mr. Clark, the four remonstrances against the division of Clark county, introduced by Messrs. Clark and Hudson several days ago, together, with the two remonstrances from Bradley county against a division of the county of Bradley, were taken up and read, when it appeared that the whole number of persons who signed said remonstrances from Clark county, was 213; and the number that signed the remonstrance from Bradley county, was 112—total, 325.

On motion of Mr. Hudson, the petition introduced into the House of Representatives from sundry citizens of Clark and Bradley counties, praying for the establishment of a new county on the east side of the Washita river, was taken up and read, when it appeared that there were 181 citizens of Clark and 61 citizens of Bradley county, praying for the establishment of a new county.

Mr. Clark moved to reject the report of the majority of the select committee to whom was referred the bill of the House entitled "an act to establish the county of Dallas," and called for the yeas and nays, which being ordered, were yeas 2, nays 19, as follows:

Yeas—Messrs. Black and Clark—2.

Nays—Messrs. Ficklin, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Trimble, Walker, and Mr. President—19.

So the report was not rejected.

Mr. Clark moved to refer the bill to a select committee.

Which motion was lost.

On motion of Mr. Clark, the bill and report were laid on the table to givehim time to make a minority report.

The following messages were received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed a bill to be entitled an act authorizing the sale of certain property belonging to the estate of William Gilchrist, deceased, and for other purposes.

Also a bill to be entitled an act for the relief of Nancy Gaines.

Also an act to simplify proceedings before justices of the peace.

All of which are herewith transmitted for the assent of the Senate.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed "an act for the benefit and relief of Thomas S. Woodward and Thomas Woodward."

"An act to amend the law in relation to billiard tables and ten pin alleys."

"An act to amend the road law."

All of which are herewith transmitted for the assent of the Seate.

The House have assented to the bill of the Senate entitled "an act for the relief of William Black." Which is herewith returned.

On motion of Mr. Gaines, the Senate resolved itself into a committee of the whole on the bill to be entitled "an act making appropriations for the years 1845, 1846, and part of the year 1844., and for other purposes," Mr. Newton in the chair.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President—I am instructed to inform your honorable body, that a slight error having been discovered in the Senate's message of this morning, it is herewith returned for correction.

Which is respectfully submitted.

The error was corrected and the message returned.

The committee of the whole rose, and the chairman reported back to the Senate the bill to be entitled "an act making appropriations for the years 1845, 1846, and part of the year 1844, and for other purposes," with sundry amendments.

On motion of Mr. Trimble, the Senate adjourned.

SATURDAY, *December 28th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate.

The roll being called, it appeared that there were eighteen Senators present.

Mr. Clark, from the minority of a select committee, made the following report:

Mr. President—The minority of the select committee to whom was referred the bill "to establish the county of Dallas," report that they have had said bill under consideration, together with the petitions for, and the remonstrances against, the establishment of said county; and said minority, inasmuch as a much larger number of the inhabitants of the counties of Clark and Bradley have remonstrated against the establishment of said county, than those petitioning for it, have come to the conclusion, after the most mature deliberation, that the majority (according to the doctrine which all profess) must rule.

The minority of said committee would further represent, that the provisions of the law in the revised statutes, chapter 114, under the head "Petitions," have not been complied with, and they are therefore clearly of the opinion that said county of Dallas cannot legally be established, until the requisitions of the law, above referred to, are complied with. The minority of the committee therefore recommend that the further consideration of said bill be indefinitely postponed.

Which was read.

Mr. Clark moved that the report be adopted.

Which motion the chair decided to be out of order; stating, at the same time, that under a decision of the chair yesterday, the majority report on the same subject had been adopted.

Mr. Hudson moved to reject the report.

Mr. Clark moved to refer the bill and report to the committee on the judiciary.

The chair decided that a motion to refer the bill was not in order, as it had been, by a vote of the Senate on yesterday, laid upon the table, and could not be referred until it was taken up.

Mr. McCamy moved to take up the bill and refer it to the committee on the judiciary.

Which motion was lost.

Mr. McCamy, from the committee on education, made the following report:

Mr. President—The standing committee on education, to whom was referred a bill to be entitled "an act making appropriation for common schools," have had the same under consideration, and have instructed me to report the bill back to the Senate without any amendment, and recommend the passage of the bill.

McCAMY, *Chairman.*

Which report was read.

Mr. Trimble offered the following amendment as the 4th section of the bill, and make the 4th section of the original bill section 5.

SEC. 4. *And be it further enacted*, That the auditor shall ascertain the costs and all charges on said books, and fix the price at which they are to be sold by the county commissioner, which price shall not exceed the cost and charges, and that all moneys arising from the sale of said books be paid into the State treasury to reimburse the common school fund.

Which amendment was rejected.

Mr. Gaines offered the following amendment to the bill:

SEC. *Be it further enacted*, That the county commissioners of each county shall receive and receipt for said books to the auditor, and shall distribute them only on the application of the trustees, to each school in the county of which they are commissioners, and not otherwise. And it is hereby made the duty of the secretary of State to send them to each county, with the journals of this General Assembly, if on hand at the time of distributing the same; in which case the receipt shall be given to the secretary of State.

Which amendmendment was read.

Mr. Gainer offered to amend the amendment offered by Mr. Gaines, by the following:

"And that in cases where there are no county commissioners, then the same shall be delivered to the clerk of the county court."

Which amendment was accepted by Mr. Gaines.

Onmotion of Mr. Trimble the bill and proposed amendments were referred to a select committee, consisting of Messrs. Trimble, Neely and Pelham.

On motion of Mr. Hudson, the bill to establish the county of Dallas, was taken up and read a third time.

Mr. Clark offered the following amendment to the bill, to-wit:

"Strike out of the 1st section of the bill all of the territory of Bradley county included in the same.

Which amendment was rejected.

Mr. Clark introduced the following protest, to-wit:

Mr. President—As a member of the Senate, and of the present General Assembly, I do most solemnly protest against the passage of the bill proposing to establish the county of Dallas.

1st. I oppose it on the ground that a large majority of the citizens of the counties of Bradley and Clark, from which the said county of Dallas is proposed to be formed, have remonstrated against any change in the metes and bounds of said counties.

2d. I oppose the establishment of said county, because the requisitions of the law heretofore passed by this body requiring that copies of petitions for a change in the lines of any county or counties in this State, shall be put up at the court-house, and a copy put up at the most public place in each township in said county. This law has been regarded by a portion of this body as a dead letter in our statutes. The law on this subject has never been repealed, and the observance of it I consider imperative on every member of this body. It is the opinion of at least one humble member of this body, that the county of Dallas cannot at this time be legally established. CLARK.

Which was read.

The question being on the final passage of the bill, Mr. Hudson called for the yeas and nays, which being ordered, were yeas 17, nays 6, as follows:

Yeas—Messrs. Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Rives, Shaw, Walker, Yell, and Mr. President—17.

Nays—Messrs. Black, Clark, Newton, Rose, Stell and Trimble—6.

So the bill was passed.

Mr. Black, from a select committee, made the following report:

Mr. President,—The select committee to whom was referred a bill to regulate the fees of recorders, have had the same under consideration, and instruct me to report that the bill should not pass. Also a bill entitled "an act regulating the duties and fees of constables," instruct me to report that the first section of said bill be stricken out, and that the bill pass. BLACK, *Chairman.*

Which report was read; and, on motion of Mr. Yell, rejected.

The bill to be entitled "an act to regulate the fees of recorders, and for other purposes," was read a third time.

Mr. Walker moved to lay the bill on the table until the 4th day of July next, and called for the yeas and nays, which being ordered, were yeas 12, nays 11, as follows:

Yeas—Messrs. Black, Clark, Gaines, Gainer, Mitchell, Neely, Rives, Rose, Stell, Walker, Yell, and Mr. President—12.

Nays—Messrs. Ficklin, Hudson, Irvin, Maxwell, McCamy, McKean, Newton, Pelham, Reyburn, Shaw, and Trimble—11.

So the bill was laid on the table until the 4th day of July next.

The bill from the House entitled "an act regulating the duties and fees of constables," was read a third time.

Mr. Neely moved to lay the bill on the table until the 4th day of July next. Which was lost.

Mr. Trimble offered to amend the bill as follows:

"Strike out '5' in the 17th line of the 1st section and insert '2.'"

Which amendment was adopted.

The question was then taken on the final passage of the bill, Mr. Neely having called the yeas and nays, which being ordered, were yeas 12, nays 11.

Yeas—Messrs. Ficklin, Gaines, Hudson, Irvin, Maxwell, McCamy, Newton, Pelham, Reyburn, Shaw, Trimble, and Yell—12.

Nays—Messrs. Black, Clark, Gainer, Mitchell, McKean, Neely, Rives, Rose, Stell, Walker, and Mr. President—11.

So the bill passed.

Mr. Trimble, from a select committee, made the following report:

Mr. President—The select committee to whom was referred the bill to be entitled "an act to incorporate the Jennings falls manufacturing Company," have had the same under consideration, and ask leave to report the following amendments to said bill: In the 7th line of first section after the word "company," insert the words "in the county of Yell," and add, at the end of section 4th, the words "unless good cause be shown for a continuance."

All which is respectfully submitted.

Wm. TRIMBLE, *Chairman*
select committee.

Which report was read and adopted, and the bill accompany it read a third time and passed.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills, have this day handed to the Governor, for his approval, an act to change the time of holding the probate and county courts of Randolph county.

WM. C. MITCHELL, *Chairman.*

On motion of Mr. Ficklin, the Senate took a recess until 2 o'clock, P. M.

At two o'clock, P. M., the Senate convened.

The President ordered a call of the Senate;

The roll being called, eighteen Senators answered to their names.

On motion of Mr. Ficklin, the appropriation bill, as amended in the committee of the whole on yesterday, was taken up.

The following amendments were adopted by the committee of the whole, to-wit:

The first amendment "to amend the 3d line of the proviso in the first section, by striking out 'thirteen thousand' and insert 'seven thousand,' was adopted by the Senate.

The second amendment, as follows:

Amend the 1st section of the bill by adding—The sum of $129 25 be appropriated to pay the funeral expenses of the Hon. M. W. Baltimore, and the same be audited and allowed by the auditor, to the persons entitled to the claims herewith filed.

The following is the third amendment, to-wit:—Amend by striking out the 3d and 4th sections of the bill, and insert the following sections:

SEC. 3. *Be it further enacted*, That all the par funds now on hand, or in the hands of the financial receiver of the bank of the State of Arkansas, and all which may hereafter come into his hands, in any wise belonging to said bank, except special deposites made by individuals, shall be immediately transferred to the State treasury, and placed there under the control of the treasurer, upon his official responsibility; and it shall be the duty of the treasurer, immediately on the passage of this act, to apply for, and receive, and take charge of, the par funds now in the hands of said receiver, and of such receiver to deliver the same, and also all other par funds as fast as they may come into his hands, to said treasurer, and to take duplicate receipts for the same, one of which he shall file with the auditor, who shall charge the treasurer and credit the bank with the amount of such receipts, as so much of the surplus revenue fund.

SEC. 4. *Be it further enacted*, That all of said par funds now on hand, or which may come to hand, or in the treasury of the State, under the provisions of this act, be, and the same is hereby, specially appropriated and set apart for the express purpose of paying—

First: The liabilities of the State incurred during the first quarter of the present fiscal year, which is hereby declared to have commenced on the first day of October last (1844), and to fifteen hundred and fifteen dollars and eighty-four cents worth of common school books, under the of the auditor.

And second: The legal liabilities of the State, that may be incurred after the expiration of the first quarter of the present fiscal year. That all the legal liabilities and expenses of the State government incurred after the first day of the present fiscal year, payable at the treasury of the State, shall be paid in par funds.

And when there may not be sufficient par funds in the treasury to pay any legal demand upon the same, it shall be the duty of the treasurer, on the application of the claimant, to issue to him a treasury warrant, or warrants, for the amount due, bearing no interest.

Sec. 5. *Be it further enacted*, That if any person, since the first day of said fiscal year, for any legal liability of the State, created since that time, have drawn from the treasury, in payment of said State liability, uncurrent funds, he is hereby authorized to return said uncurrent funds, within ten days after the passage of this act, to the treasurer, and take his receipt for the same, and file it with the auditor, who is hereby required to issue his warrant on the treasurer for par funds.

Sec. 6. *Be it further enacted*, That all the legal liabilities of the State incurred before the first day of said present fiscal year, shall be paid with such funds as were on hand in the treasury before the passage of this act, in the same manner and under the same rules and regulations as if this act had not been passed.

Sec. 7. *Be it further enacted*, That the Treasurer shall keep a Registry in a well bound book, of all warrants issued by him; and issue them in such form, and with such devices, as may be best calculated to prevent frauds upon the Treasury; which warrants shall be dated and numbered, and paid according to their date and number.

No warrant of later date shall be paid until all of a prior date and number shall have been first paid; unless when there may be funds enough in the Treasury to pay all of a prior date and number, or when taken from the collectors of the Revenue; and when such may be the case, it shall be the duty of the Treasurer, specially, to set apart a sufficient fund to pay all warrants of a prior date and number which are unpresented; and apply the residue of the fund on hand to the payment of those presented in their regular order of date and number.

Sec. 8. *Be it further enacted*, That no sum due from the State shall be paid from the Treasury in par funds, whilst there are any outstanding and unpaid Treasury warrants; unless when there may be funds enough in the Treasury to pay all outstanding warrants,—which shall be set apart for that purpose; and the residue on hand applied to the payment of such dues.

SEC. 9. *Be it further enacted*, That from and after the first day of the present fiscal year, no Bank Bill or issue of any description whatever, of the Bank of the State of Arkansas, or its Branches, shall be paid out, except what may have been paid out before the passage of this Act, and what may hereafter be paid out under the provisions of this Act, for liabilities incurred before the first day of said fiscal year.

SEC. 10. *Be it further enacted*, That no Bill of the Bank of the State of Arkansas or any of its Branches, after all the legal liabilities of the State, incurred before the commencement of said fiscal year, have been fully paid off and liquidated, shall be exchanged or reissued in any manner whatever, by the Treasurer of the State; the Receivers of said Bank or branches; or by any other agent or officer of this State: But all such Bank Bills or issues that may be in the State Treasury or in the hands of the Receivers of said Bank or Branches; or in the hands of any other officer of the State, and belonging to the State; or which may be therein as such, after liquidating the said liabilities of the State as specified in the 6th section of this Act; shall, within three months after said liquidation, after the said notes shall have been inspected and found genuine; and the proper entries thereof made in the books of the Treasurer and Receivers of the Bank, be publicly burned in the presence of the Governor, Secretary of State, bank receiver, Auditor and Treasurer of State.

SEC. 11. *Be it further enacted*, That from and after the passage of this Act, nothing shall be received in payment of Taxes, or Revenue due the State, but par funds, (which is understood in this Act to mean current money of the United States, or Treasury warrants of this State.)

Provided however; That this act shall not prevent sheriffs or collectors who have had relief by special Acts, from paying into the State treasury, such funds as were received from other collectors on the 10th day of December, 1844.

SEC. 12. *Be it further enacted*, That all collectors of the taxes and revenue of this State, shall pay, in kind, into the State Treasury, the same money collected by them; whether specie, treasury notes, warrants &c., as above authorised to be received.

SEC. 13. *Be it further enacted*, That whoever shall be guilty of forging or counterfeiting; or of paying or tendering in payment; or passing or attempting to pass; or who shall assist or be concerned in forging, counterfeiting; paying or tendering in payment; passing or attempting to pass, the counterfeit resemblance or imitation of any treasury warrant authorised by this act to be issued; whether such counterfeit resemblance be filled up and completed or not, with intent to deceive and defraud; on conviction thereof shall be imprisoned in the jail and penitentiary house of this State, not less than five nor more than twenty-one years.

After the reading of the amendment,

Mr. Ficklin moved to reject it, and called for the yeas and nays; which being ordered, were yeas 3 nays 20.

Yeas—Messrs. Black, Ficklin, and Gaines—3.

Nays—Messrs. Clark, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Stell, Trimble, Walker, Yell, and Mr. President—20.

So the motion to reject the amendment was lost.

The question was then taken on the adoption of the amendment; and it was adopted.

The fourth amendment, by adding to the 12th section of the Bill the following:

"And that all funds in said State bank, in which the State is interested, be a deposit in said bank to the credit of the State, to be drawn under appropriations made by this general assembly;"

Was concurred in and adopted by the Senate.

The fifth amendment by adding:

"Sec. 23. *Be it further enacted*, That Charles H. Pelham, senator from the county of Independence, be, and he is hereby authorised, to receive and receipt for the auditor's warrant, which shall be issued in payment of the per diem pay and mileage of the late M. W. Baltimore, for his rervices as a member of the general assembly of this State, at its present session; and that he pay the amount of money so drawn upon said warrant, to the widow of the said M. W. Biltimore, deceased;" Was adopted by the Senate.

Mr. Gaines offered the following amendment to the first section of the bill, to-wit:

"That the following sums be allowed and paid to S. S. Sanger, for furnishing the following articles, for the use of the general assembly:

For furnishing the secretary of the Senate with table and cloth to cover the same,	9 00
For furnishing cornice and varnishing and gilding the same,	16 00
For 8 hooks and making curtains furnished the House of Representatives,"	16 00

Which was adopted.

Mr. Gaines offered the following amendment as an additional section to the bill, to-wit:

Sec. 24. *Be it further enacted*, That hereafter the auditor and treasurer, shall receive one hundred dollars each per annum for services required of them, for carrying out the provisions of the various acts relating to the location and sale of the 500,000 acres of land, donated to the State of Arkansas by the United States; which is hereby allowed them in addition to their salaries, as fixed by the act to regulate the salaries of the several officers therein specified; Approved 29th November, 1842, and no more.

Sec. 25. *Be it further enacted*, That so much of the several acts heretofore in force, allowing additional pay of two hundred dollars each per annum, for services required of them under the several acts for the location and sale of the 500,000 acre donation, be, and the same are hereby repealed; and that the salary of the commissioner of public buildings shall heeeafter be————dollars per annnm and no more. Which was read and adopted.

Mr. Gaines moved to fill the blank in the 11th section with 200.

Mr. Yell moved to fill it with 300.

Mr. Ficklin moved to fill it with 305.

The question was taken on Mr. Ficklin's motion and carried, and the blank filled with 305.

Mr. Rose offered the following amendment to the bill:

"Strike out all of the 19th item, after the word 'treasury' in the 4th line of said 19th item, or 16th line of the printed bill, and insert,

"The auditor shall charge to the account of the Internal Improvement fund (accruing from the sale of the 500,000 acres of land donated to this State for purposes of Internal Improvement) the sum of fifteen thousand five hundred dollars, and the same shall be reimbursed from said Internal Improvement fund into the State treasury; and when received by the treasurer, shall be placed to the credit of said fund on the auditor's books, and be used as other funds for the expenses of the State."

Which was read and adopted.

Mr. Gainer offered the following amendment to the bill, to be added as an additional section, to-wit:

SEC. 26. *Be it further enacted*, That the commissioner of public buildings be, and he is hereby authorised to draw from the contingent fund and allow and pay to George Counts as door-keeper of the Senate such amounts as he may deem reasonable and just, for sundry expenses incurred for the use of the Senate, during the present session of the general assembly, which amounts the said Counts may have paid out of his own funds.

Which was read and adopted.

Mr. Gaines offered the following amendment, to be added to the first section of the bill, to-wit:

"That the sum of thirteen dollars and eighty seven cents, be paid to Charles Rapley & Co., for crape, candles and tacks furnished the general assembly."

Which was read and adopted.

Mr. Gaines offered the following amendment to the 1st section of the bill:

"Strike out all after the word 'treasurer,' in the 11th appropriation."

Which was read and adopted.

Mr. Gaines offered the following amendment to the 11th appropriation in the 1st section of the bill:

"Strike out '6,000' and insert '5,200.'"

Which amendment was adopted.

Mr. Gaines offered the following amendment to the 3d section of the 3d amendment of the committee of the whole adopted by the Senate, to be added to said section:

"*Provided;* That of the specie now on hand in the bank of the State, the sum of five thousand dollars shall be reserved in said bank to meet the current contingent expenses and its specie liabilities."

The question being on its adoption, Mr. Gaines called for the yeas and nays, which being ordered were yeas 9 nays 13 as follows:

Yeas—Messrs. Black, Ficklin, Gaines, Irvin, Newton, Pelham, Reyburn and Yell—9.

Nays—Messrs. Clark, Gainer, Maxwell, McCamy, Mitchell, McKean, Rives, Rose, Shaw, Stell, Trimble, Walker and Mr. President—13.

So the amendment was not adopted.

Mr. Newton moved to strike out the 8th section of the original bill, and called for the yeas and nays, which being ordered, were yeas 7, nays 15, as follows:

Yeas—Messrs. Clark, Irvin, McKean, Newton, Shaw, Trimble and Mr. President—7.

Nays—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, Maxwell, McCamy, Mitchell, Pelham, Reyburn, Rives, Rose, Stell, Walker and Yell—15.

So the motion to strike out was lost.

On motion of Mr. Newton, the words "or any other," in the 8th line of the 8th section were stricken out.

On motion of Mr. Gaines, the bill was ordered to be engrossed and read a third time on Monday morning next.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed a resolution to Congress concerning the reduction of postage;

"An act for the relief and benefit of sheriffs and coroners;"

And "an act to regulate the fees of the clerk of the supreme court:"

Which are herewith transmitted for the assent of the Senate.

The House have assented to the bill of the Senate entitled "an act for the relief of James B. Jackson."

Which is herewith returned.

On motion of Mr. Yell, the Senate adjourned.

MONDAY, *December* 30*th*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate.

The roll being called, it appeared that there were eighteen Senators present.

The journal of Saturday the 28th inst. was read.

Mr. Clark presented a protest from 25 persons of Clark county, against a division of said county of Clark-

Which was read and laid on the table.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed a bill to be entitled "an act to collect and disburse the revenue of the State of Arkansas."

Which is herewith transmitted for the assent of your honorable body.

Mr. Trimble from the committee on the judiciary, made the following report:

Mr. President—The judiciary committee to whom was referred the bill to be entitled "an act concerning debts due or which shall be due the State," have had the same under consideration, and instruct me to report said bill without any amendment, and recommend that said bill do pass.

All which is spectfully submitted.

Wm. TRIMBLE, *Chairman*
Judiciary Committee.

Which report was read and adopted, and the bill read a third time and passed.

Mr. Trimble from the committee on the judiciary, made the following report;

Mr. President—The judiciary committee to whom was refered the bill to authorise J. H. Caldwell, executor of the last will and testament of Charles Caldwell, deceased, to sell certain real estate, have had the same under consideration, and instruct me to report that by the 155th section of the law in the revised statutes, title, "administration," amply provides for the reservation of slaves, and the sale of lands, on the petition of the executor or administrator. Your committee are of opinion that inasmuch as this subject is by the existing laws refered to the judgment and discretion of the probate court, the legislature ought not to interfere therewith. They are also of opinion that the legislature has no power to order the sale of the real estate of deceased persons, thereby to divert the right of heirs. Your committee therefore beg leave to report the said bill without any amendment, and that they be discharged from the further consideration thereof. All of which is respectfully submittted.

Wm. TRIMBLE, *Chairman*
Judiciary Committee.

Which report was read, and the question being on its adoption, Mr. Reyburn called for the yeas and nays, which being ordered, were yeas 12, nays 12, as follows:

Yeas—Messrs. Bean, Black, Gainer, McCamy, Mitchell, McKean, Neely, Newton, Rose, Trimble, Yell and Mr. President—12.

Nays—Messrs. Clark, Ficklin, Hudson, Irvin, Maxwell, Pelham, Reyburn, Rives, Shaw, Smith, Stell, and Walker—12.

So the report was not adopted,

On motion of Mr. Ficklin, the committee on the Judiciary were discharged from the further consideration of the bill.

On motion of Mr. Maxwell, the bill was read a third time, and the question being on the final passage of the bill, Mr. Trimble called for the yeas and nays, which being ordered were, yeas 12, nays 12, as follows:

Yeas—Messrs. Clark, Ficklin, Hudson, Irvin, Maxwell, McKean, Pelham, Reyburn, Rives, Smith, Stell and Walker—12.

Nays—Messrs Bean, Black, Gainer, McCamy, Mitchell, Neely, Newton, Rose, Shaw, Trimble, Yell, and Mr. President—12.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills, have examined "an act to refund to William Black, the State and county taxes paid by him for the purchase of a tract of land erroneously twice taxed, and sold for the same year, and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr. Clark introduced the following memorial, to-wit:

The memorial of the General Assembly of the State of Arkansas, to the Congress of the United States, respectfully represents, that Bayou Bartholomew, running through a portion of the southern portion of this State, and the northern part of Louisiana, is the only channel or outlet for the transportation of the produce of a large portion of the public domain through which it passes.

The country bordering on Bayou Bartholomew, is rapidly settling by an industrious and enterprizing community, its soil and climate are well adapted to the growth of cotton, the great staple of the south; but, unless Congress should aid said settlers in removing the obstructions to the navigation of said bayou, they must ever remain subject to great expense and inconvenience, as well as great risk, in transporting the product of their labor to market.

Your memorialists, therefore, respectfully ask an appropriation of fifty thousand dollars, which, in their opinion, will be sufficient to remove all the obstructions to the navigation of this stream for a distance, through the two States, of from three to four hundred miles.

Viewing it as an act of national importance, as your memorialists believe, that the Congress of the United States must do, inasmuch as it will so greatly enhance the value of the public domain, through which this stream passes, both in Arkansas and Louisiana, we do with confidence, rely on the liberality of your honorable body, in extending to us the aid that we justly claim at your hands,

Which was read a first time.

On motion of Mr. Clark, the rules were dispensed with, and the memorial read a second and third time, and passed.

Mr. McKean asked and obtained leave to introduce a bill, to be entitled "an act to correct the spelling or the names of the trustees of the Male and Female Spring Hill Academy."

Which was read a first time.

On motion of Mr. McKean, the rules were dispensed with, and the bill read a second and third time and passed.

On motion of Mr. Maxwell, the bill to be entitled "an act, making appropriations for the years, 1845, 1846, and part of the year 1844, and for balances due from the State and for other purposes," was taken up and read.

On motion of Mr. Glark, "300" in the 17th line of the first section was stricken out, and 100 inserted in lieu thereof.

Mr. Black offered the following amendment to the bill, to-wit:

Amend the 11th section of the bill, by adding "or the issues of the bank of the State of Arkansas and its branches."

The question being on the adoption of the amendment,

Mr. Black, called for the yeas and nays, which being ordered, were yeas 3, nays 21, as follows:

Yeas—Messrs. Bean, Black and Ficklin—3.

Nays—Messrs. Clark, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell and Mr. President—21.

So the amendment was rejected.

On motion of Mr. Ficklin, $9,118 40, in the first item, was stricken out, and $14,118 40, inserted in lieu thereof.

Mr. Rose offered the following amendment to the bill, to be added as an additional section, to-wit:

Sec. 27. *Be it further enacted*, That the auditor is hereby required to indorse in the face of the warrants hereafter to be issued by him, whether the liability of the State, for which the warrant is issued was incurred before, or after the commencement of the present fiscal year.

Which amendment was adopted.

Mr. Rose offered the following amendment:

Add, after the word "Arkansas," in the 49th line, of section first, the following: "and to pay judgments that are or may be obtained against said bank."

Mr. Black offered the following amendment, to the amendment of Mr. Rose, to-wit: strike out the words "may be."

Which was lost.

The question then being on the adoption of the amendment offered by Mr Rose,

Mr. Gaines called for the yeas and nays, which being ordered, were yeas 19, nays 6, as follows:

Yeas—Messrs. Clark, Ficklin, Gaines, Hudson, Irvin, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rose, Shaw, Smith, Trimble, Walker, Yell and Mr. President—19.

Nays—Messrs. Bean, Black, Gainer, Maxwell, Rives and Stell—6.

So the amendment was adopted.

Mr. Ficklin offered the following amendment to the bill, to-wit:

"That the sum of one thousand dollars, be appropriated out of the contingent fund of the executive department, to pay house rent for the present Governor."

Which was read, and the question being on its adoption,

Mr. Gaines called for the yeas and nays, which being ordered, were yeas 5, nays 20, as follows:

Yeas—Messrs—Black, Ficklin, Irvin, Maxwell and Pelham—5.

Nays—Messrs. Bean, Clark, Gainer, Gaines, Hudson, McCamy, Mitchell, McKean, Neely, Newton, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell and Mr. President—20.

So the amendment was rejected.

Mr. Rose offered the following amendment to the bill:

Insert after the word "officers," in the 50th line of the first section, the words "and judgments."

Which was adopted.

The question, "shall the bill pass," was stated by the chair.

Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 18, nays 7, as follows:

Yeas—Messrs. Bean, Gaines, Hudson, Irvin, McCamy, Mitchell, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Trimble, Walker, Yell and Mr. President—18.

Nays—Messrs. Black, Clark, Ficklin, Gainer, Maxwell, McKean and Stell—7.

So the bill was passed.

Mr. McCamy asked and obtained leave, to introduce a bill, to be entitled "an act, to change the line between Washington and Benton counties,"

Which was read a first time.

On motion of Mr. McCamy, the rules were dispensed with, and the bill read a second time, and referred to a select committee, consisting of Messrs. McCamy, Walker and Bean.

Mr. Stell asked and obtained leave to introduce a bill, to be entitled "an act to declare Cadron navigable."

Which was read a first time, and ordered to a second reading on to-morrow.

On motion of Mr. Ficklin, the Senate took a recess until 2 o'clock, P. M.

At 2 o'clock, P. M. the Senate convened.

The President ordered a call of the Senate;

The roll being called, nineteen Senators answered to their names.

On motion of Mr. Yell, the bill to be entitled "an act for the benefit of John F. Smith, administrator *de bonis non*, of the estate of William H. Dye, and Robert H. Douglass, executor of the last will and testament of Reuben Dye, deceased," was taken up and read a third time, and passed."

On motion of Mr. Gaines, the bill to be entitled "an act, supplemental and explanatory of an act, passed this session of the General Assembly, approved the 20th December, 1844, entitled an act to regulate the price and sale of the 500,000 acres of land, donated to the State of Arkansas, for the purpose of internal improvement, and to establish a land office for that purpose," was taken up and read a second time.

Mr. Gaines offered the following amendment to the seventh section of the bill:

"*Provided*, that said penalty shall not apply to any person or persons, who have purchased land before the passage of this act."

Which amendment was adopted.

On motion of Mr. Clark, the bill was referred to a select committee, consisting of Messrs. Clark, Gaines and Ficklin.

Mr. Rives asked and obtained leave to introduce a bill to be entitled "an act to allow persons to pay part of taxes which may be due for taxes of land, and to redeem the same."

Which was read a first time, and ordered to a second reading on to-morrow.

The preamble and joint resolutions, on the subject of the Oregon territory, were read a second time.

On motion of Mr. Black, the rules were dispensed with, and the preamble and resolutions read a third time and passed.

On motion of Mr. Gaines, the bill to be entitled "an act to prevent betting on elections, and for other purposes," was taken up and read a second time.

On motion of Mr. Walker, the rules were dispensed with, and the bill read a third time.

Mr. Clark moved to strike out the third section of the bill.

Which motion was lost.

Mr. Ficklin moved to reject the bill, and called for the yeas and nays, which being ordered, were yeas 7, nays 17, as follows:

Yeas—Messrs Black, Clark, Ficklin, Irvin, Maxwell, McKean and Rose—7.

Nays—Messrs. Bean, Gainer, Gaines, Hudson, McCamy, Mitchell, Neely, Newton, Pelham, Rives, Shaw, Smith, Stell, Trimble, Walker, Yell and Mr. President—17.

So the motion to reject was lost.

The bill was then passed.

On motion of Mr. Pelham, the messages from the House of Representatives, were taken up and read.

The bill from the House, entitled "an act for the relief of Thomas S. Woodard and Thomas Woodard," was read a first time.

On motion of Mr. Clark, the rules were dispensed with, and the bill read a second time, and referred to a select committee, consisting of Messrs. Clark, Gaines and Trimble.

The bill entitled "an act to repeal and amend the law in relation to billiard tables and ten pin alleys," was read a first time, and ordered to a second reading on to-morrow.

The bill from the House, entitled "an act, to amend the road law," was read a first time.

On motion of Mr. Irvin, the rules were dispensed with, and the bill read a second time, and referred to a select committee, consisting of Messrs. Irvin, Trimble and Neely.

On motion of Mr. Irvin, the bill, entitled "an act supplementary to an act, concerning roads and highways, and the overseers thereon," approved, February 3d, 1843," was taken up and referred to the same select committee.

The bill from the House, entitled "an act to authorize the administrator of the estate of William Gilchrist, to sell certain property, and for other purposes," was read a first time.

Mr. Gainer moved to reject the bill,

Upon which motion, Mr. Clark called for the yeas and nays, which being ordered, were yeas 12, nays 11, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, Mitchell, Neely, Rose, Shaw, Smith, Stell and Mr President—12.

Nays—Messrs. Bean, Clark; Irvin, Maxwell, McCamy, McKean, Newton, Pelham, Rives, Trimble and Yell—11.

So the bill was rejected.

The bill from the House, entitled "an act for the relief of Nancy Gaines," was read a first time.

On motion of Mr. Clark, the rules were dispensed with, and the bill read a second time.

Mr. Maxwell moved to dispense with the rules, and read the bill a third time,

Which was lost.

On motion of Mr. Clark, the bill was referred to a select committee, consisting of Messrs. Clark, Newton and Irvin.

The bill from the House, entitled "an act to simplify proceedings before justices of the peace," was read a first time.

Mr. Black moved to dispense with the rules, and read the bill a second time.

On motion of Mr. Trimble, the bill was laid on the table for the present.

The following resolutions from the House of Representatives were taken up and read.

Resolved by the General Assembly af the State of Arkansas, That our Senators in Congress be instructed, and our representative requested, to give their aid and support to any measure, having for its object the reduction of the present exorbitant rates of postage.

Resolved further, That the Governor be requested to transmit to our Representative, and to each of our Senators, a copy of this resolution."

On motion of Mr. Gaines, the rules were dispensed with, and the resolution read a second time.

Mr. Gaines moved to dispense with the rules, and read the resolution a third time.

Which was lost.

The resolution was ordered to a third reading on to-morrow.

The paper from the House, endorsed on the back, "an act for the relief and benefit of sheriffs and coroners," was ordered to be returned to the House.

The bill from the House, entiled "an act to regulate the fees of the clerk of the supreme court," was read a first time.

On motion of Mr. Trimble, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Newton, the bill was referred to the committee on the judiciary.

The petition of the clerk of the supreme court accompanying the bill, was also referred to the same committee.

The bill from the House, entitled "an act to collect and disburse the revenue of the State of Arkansas, and for other purposes," was taken up.

On motion of Mr. McCamy, the bill was laid on the table for the present.

On motion of Mr. Maxwell, the vote laying the bill on the table was reconsidered.

The bill was then read a first time, and,

On motion of Mr. Newton, laid on the table for the present.

Mr. McCamy, from a select committee made the following report:

Mr. President—The select committee to whom was referred a bill to be entitled "an act to change the line between Washington and Benton counties," have had the same under consideration, and have instructed me to report the bill back to the Senate without any amendment, and recommend the passage of the bill.

McCAMY, *Chairman*.

Which report was read and adopted, and the bill read a third time and passed.

Mr. Black, introduced the following resolution:

Resolved, That no new bill be introduced into the Senate, after the 31st inst."

Which was read and adopted.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills, have this day, handed to the Governor, for his approval, "an act to refund to William Black, the State and county taxes paid by him for the purchase of a tract of land erroneously twice taxed and sold for the same year."

Also "an act for the relief of James B. Jackson."

WM. C. MITCHELL.

On motion of Mr Ficklin, the Senate adjourned.

TUESDAY, *Dec.* 31*st*, 1844.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate.

The roll being called, it appeared that there were eighteen Senators present.

The journal of yesterday was read.

Mr. President called Mr. Ficklin to the chair, and presented a petition from Alexander and Samuel Loupheimer, representing that they are now citizens of Pope county, Arkansas, and formerly of Bavaria, in Germany, and that their family name is so singular and uncommon, and so difficult to be remembered, and also different from name by which the citizens of said county, and elsewhere, in the United States have been in the habit of knowing them," and praying that their names may be altered to "Loupe."

Which petition was read.

Mr. President, at the same time, introduced a bill to be entitled "an act to change the names of Alexander Loupheimer and Samuel Loupheimer." Which was read and adopted.

On motion of Mr. President, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Gaines, the rules were again dispensed with, and the bill read a third time and passed.

Mr. Gainer, from the select committee, to whom was referred a resolution, requiring them to ascertain what amount of money is due from the different land offices of this State, each successive year to the present time, and what disposition has been made of the same, from time to time, and how much of said funds there is on hand at this time, made the following report:

Mr. President—The committee to whom was referred the resolution of the Senate, relative to the five per cent. fund, have instructed me to report:

That the whole amount of the five per cent. fund heretofore received, was deposited in the bank of the State of Arkansas, at Little Rock, as part of the capital of the bank, under section thirteen of the charter, and that, that fund now due from the bank to the State, amounts to sixty-eight thousand, seven hundred and seventy-seven dollars and twenty cents, as shown by the auditor's report, of the first day of October, 1844:—That the five per cent. of the nett proceeds of the sales of public lands, at each land office, and for each year since the first day of July, 1836, cannot be ascertained, by the records of any office in this State, because, all such accounts are only kept in the departments of the General Government, at Washington city.

GAINER, *Chairman.*

Which report was read and adopted.

Mr. Irvin, from a select committee, made the following report:

Mr. President—The select committee to whom was referred the bill entitled "an act for the relief of William K. Sebastian, as administrator, with the will annexed, of the estate of Jos. C. Dunn, dec'd." have had the same under consideration, and have instructed me to report the same back without any amendment, and recommend the passage of the same.

All of which is respectfully submitted.

IRVIN, *Chairman.*

Which report was read and adopted, and the bill accompanying it read a third time, and the question being on the final passage of the bill,

Mr. Gainer called for the yeas and nays, which being ordered, were yeas 12, nays 12, as follows:

Yeas—Messrs. Clark, Ficklin, Hudson, Irvin, Maxwell, McKean, Newton, Reyburn, Rives, Shaw, Walker and Yell—12.

Nays—Messrs. Bean, Black, Gainer, Gaines, McCamy, Mitchell, Neely, Pelham, Rose, Smith, Stell and Mr. President—12.

So the bill was lost.

Mr. Irvin, from a select committee, made the following report:

Mr. President—The select committee to whom was referred the bill entitled "an act to authorize James W. McClung and Malcom McLeod, to sell the N. E. qr. of section 9, 8 N. 8 E. for the benefit of the heirs of Jas. B. Lewis, deceased," have had the same under consideration, and have instructed me to report the propriety of the following amendments, and recommend their adoption, and the passage of the bill.

All of which, is respectfully submitted.

MILLER IRVIN, *Chairman.*

Insert after the word "McLeod" at the end of the 3d line of the first section, "as guardian of the minor heirs of James B. Lewis, deceased."

Strike out the word 'the' in the 10th line, and insert "said," and strike out all after the word "heirs" in the 10th line of the 1st section.

Insert after the word "county" in the last line of the 2d section, "twenty days before such sale."

Which report was read and adopted,

And the question being on the final passage of the bill,

Mr. Gainer called for the yeas and nays, which being ordered, were yeas 12, nays 11, as follows:

Yeas—Messrs. Clark, Ficklin, Hudson, Irvin, Maxwell, McKean, Newton, Pelham, Reyburn, Rives, Shaw and Walker—12.

Nays—Messrs. Bean, Black, Gainer, Gaines, McCamy, Mitchell, Neely, Rose, Smith, Stell and Mr. President—11.

So the bill was passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed a bill, to be entitled "an act for the improvement of roads and highways, in this State, and to place resident land holders on an equality with non-resident land holders in this State."

Also, "an act to exempt the Mount Holly Cemetery from taxation."

Also, "an act to provide for the sinking of a salt well on the salt lands in Van Buren county."

And also a memorial to Congress, asking an appropriation to complete the national road from Memphis, Tennessee, to Little Rock and Fort Smith, Ark's.

All of which are herewith transmitted for the assent of the Senate.

The House have assented to the bill of the Senate, entitled "an act authorizing Miller Irvin, administrator, to sell real estate."

Which is herewith returned.

Mr. Gaines from the majority of the select committee, to whom was rererred the resolutions from the House, instructing our Senators and requesting our Representative in Congress, to use their influence to have the Indian title extinguished to our western frontier, made the following report:

Mr. President—The majority of the select committee, to whom was referred the report and resolutions of the House of Representatives, memorializing Congress upon the subject of extinguishing the Indian title to the tract of country west of Arkansas,' have had the subject matter under consideration, and beg leave to make this brief, but as they deem, just report. While it is not to be denied, that Arkansas has had great injustice done her, by the occupation of a part of her most valuable territory, by the colonization, on the part of the General Government, of very numerous Indian tribes thereon, whose internal feuds, and peculiar habits, render them unpleasant neighbors, yet the treaties which have been made by the General Government with these Indian tribes, have been made in good faith, and the Indians have been induced to yield up their homes in the east, for those they now occupy on our frontier, and confirmation of their lands promised them on the part of the General Government—they, like unto ourselves, look to the General Government to fulfil in good faith, all the treaty stipulations, and we, who occupy the exposed situation that we do, should be the last, perhaps, to urge Congress to attempt any thing with those tribes, that would weaken their confidence in the forbearance and justice of the General Government, or that would excite in them the belief, that the citizens of this State would require, at the hands of Congress, any thing that would militate against their peace and their rights.

While your committee would rejoice to see the day, that this very desirable territory should be reunited to ours, and become a part of our infant State, thereby expanding its bounds and increasing its wealth and importance: yet, we cannot recommend any measure that would in the slightest degree, be calculated to produce suspicion on the part of our red neighbors, that we wished the General Government to forfeit any pledge that has been made to them—so long as they preserve on their part in good faith, the conditions on which they came to the inheritance of the above territory. Although, we regret that any feuds or disagreements should exist amongst them, which it is to be feared, is unhappily the case, yet we do not consider that we can, as a body, effect any thing to produce a reconciliation. That sacred office, if performed at all, must be brought about by the General Government, to which they look for such protection as is guaranteed to them by treaty stipulations, and to that government, the State of Arkansas also looks with confidence, to do every thing in its power, to promote the great ends of justice, and as far as possible, to prevent any acts of violence upon our inhabitants, or our rights.

Your committee are happy to state, that they are not in possession of any information that induces the belief, that any evil designs against the peace of our frontier, are contemplated by our red neighbors. And while it is our wish that no such evil intent should ever exist, we are satisfied that the best means of cultivating a friendly disposition, on the part of those tribes towards our citizens, is for us, as a State gevernment, not to interfere in any way, with the internal feuds or political broils that may exist amongst them.

We therefore, think it most prudent, to express no opinion with regard to them; but rely solely on the government of the United States, which we understand, is already using its endeavors to calm the troubles which may exist amongst them. We therefore, would recommend that the report and accompanying resolutions, be not adopted.

Which is most respectfully submitted for the consideration of the Senate.

J. F. GAINES, *Chairman.*
MARK BEAN,
HANS SMITH,
JOSEPH W. McKEAN.

Which report was read.

Mr. Walker, from the minority of the same committee, made the following report:

Mr. President—A minority of the select committee, to whom was referred, the "memorial, to Congress, and resolutions, instructing our Senators, and requesting our Representative, to use their influence to extinguish the Indian title to certain land on our western frontier, so soon as the same can be honorably done," which was passed by the House of Representatives, and sent to the Senate for concurrence, being struck with astonishment, at the strange and totally inapplicable report, submitted by the majority, beg leave to offer the following, as the result of their deliberations: the majority report, insinuates, that the memorial passed by the House, recommends the extinguishment of the Indian title to said lands in violation of treaty stipulations, made in good faith, &c. This, sir, is a gross mistake, but to the contrary, it expressly says, the title of the Indians can only terminate with their consent.

The majority report further states, that we, as a body, cannot effect any thing towards quieting the feuds among the Indians, that that sacred trust belongs to the General Government, &c., thereby leaving you to suppose, that such a course was recommended by the memorial or resolutions. This, sir, is also, an error, on the part of the majority, and well calculated to mislead or make a false impression on this House. Now, sir, there is no such assumption of power or sentiment, contained in the memorial or resolutions passed by the House, whatever, but to the contrary, calls upon the United States, for our peace and safety. To effect that object, either by a division of the Cherokee tribe, or in some other, peaceful and liberal way. See 3d resolution, which the minority begs of the House to read, and judge for themselves. And. indeed, it would be a contradiction in terms, to petition Congress to do, what we assumed to have the right ourselves of doing.

The foregoing, aside from the many other incongruities, and totally absurd and irrelevant statements, contained in the majority report, which we here deem unnecessary to enumerate, the minority are of opinion, is sufficient cause for this House to reject it.

The minority, however, are far from supposing the majority, thus intentionally erred, but rather think, they took a very superficial view of the subject, or never read it at all.

The minority being fully convinced of the importance of the object as having gone under mature deliberation by the House, and sanctioned as the minority is informed, without a dissenting voice, therefore, would respectfully recommend the rejection of the majority report, and cannot too strongly urge the passage of the memorial and resolutions of the House.

All of which is respectfully submitted.

J. G. WALKER,
ROBERT McCAMY.

Which report was read.

Mr. Bean moved to lay the resolution and the majority and minorty reports on the table, until the 4th day of July next.

Upon which motion, Mr. Maxwell called for the yeas and nays,

Which being ordered, were yeas 20; nays 3.

Yeas—Messrs. Bean, Black, Clark, Ficklin, Gainer, Gaines, Hudson, Maxwell, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell and Trimble—20.

Nays—Messrs. McCamy, Walker and Yell—3.

The following message was received from the House of Representives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have appointed a select committee, consisting of Messrs. Mayers, Bertrand and Booker, to investigate the correction asked by your honorable body, to the bill entitled "an act, for the relief and benefit of sheriffs and coroners, and ask that a committee, on the part of the Senate be appointed to confer with them.

Mr. Bean introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That our Senators in Congress, be instructed, and our Representative be requested, to use their influence to have old Fort Wayne re-established at some point on our border between Evansville and old Fort Wayne. That section being a highly eligible, well watered, and healthy country. Also for a good road on our frontier, that in case of danger or invasion, the government troops could be transported with facility to any part of our exposed frontier. This being done, will afford ample protection.

Which was read a first time.

On motion of Mr. Bean, the rules were suspended, and the resolution read a second time.

On motion of Mr. Walker, the resolution was referred to a select committee, consisting of Messrs. Walker, Bean and McCamy.

Mr. Clark, from a select committee, made the following report:

Mr. President—The select committee to whom was referred the bill, entitled "ae act for the benefit and relief of Thomas S. Woodard, and Thomas Woodard," report, that they have had the said bill under consideration, and recommend the following amendment:

Strike out all the 2d section, after the word "notes," in the 4th line of said section, to the word "provided," in the eighth line of said section and insert, "in accordance with the provisions of an act passed at the present session of the General Assembly, entitled "an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas, for the purpose of internal improvement, and to establish a land office for that purpose."

CLARK.

Which report was read and adopted.

And the bill as amended, was read a third time and passed.

Mr. Newton asked and obtained leave to introduce a bill to be entitled "an act to establish the county of Prairie."

Mr. Clark, from a select committee, made the following report:

Mr. President—The select committee to which was referred the bill to be entitled "an act for the relief of Nancy Gaines, of Chicot county, have had the same under consideration, and instruct me to report the same back to the Senate without amendment, and recommend its passage.

CLARK, *Chairman.*

Which report was read and adopted,

And the question being on the final passage of the bill, Mr. Yell, called for the yeas and nays,

Which being ordered, were yeas 9, nays 13, as follows:

Yeas—Messrs. Bean, Clark, Hudson, Maxwell, McCamy, McKean, Reyburn, Rives and Trimble—9.

Nays—Messrs. Black, Ficklin, Gainer, Gaines, Mitchell, Neely, Newton, Pelham, Rose, Shaw, Stell, Walker and Yell—13.

So the bill was rejected.

Mr. Clark, from the select committee to whom was referred the bill to be entitled "an act supplemental and explanatory of an act, passed at this session of the General Assembly, approved, December 20th, 1844, entitled an act to regulate the price and sale of the 500,000 acres of land, donated to the State of Arkansas, for the purpose of internal improvement, and to establish a land office for that purpose," reported the same back without amendment.

Which bill was read a third time.

Mr. Clark moved to strike out "50 cents" in the 17th line of the 1st section, and insert "100" in lieu thereof.

Which amendment was rejected.

The question was then taken on the final passage of the bill, and lost.

The bill from the House, entitled "an act to amend the law in relation to billiard tables and ten pin alleys," was read a second time,

And on motion of Mr. Pelham, referred to a select committee, consisting of Messrs. Pelham, Mitchell and Yell.

The bill entitled "an act to declare Cadron navigable,"

Was read a second time, and ordered to a third reading on to-morrow.

The bill to be entitled "an act to pay any part of taxes which may be due for taxes of land, and to redeem the same," was read a second time, and ordered to a third reading on to-morrow.

The resolution from the House, instructing our Senators and requesting our Representative in Congress, to support any measure having for its object the reduction of postage, was read a third time and passed.

Mr. Black introduced the following resolution:

Resolved, by the General Assembly of the State of Arkansas, That our Senators be instructed and our member in Congress be requested to use their influence with the post master general to have the mail carried twice a week in two horse mail stages, from Little Rock, by Searcy, Batesville, Smithville, Jackson, Pocahontas, Hix's Ferry, to Cape Girardeau, Missouri.

Which was read a first time.

On motion of Mr. Maxwell, the rules were dispeneed with, and the resolution read a second time.

On motion of Mr. Black the rules were again dispensed with, and the resolution read a third time and passed.

Mr. Irvin introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the following articles be and are hereby adopted as amendments to the constitution of this State, and that it be the special duty of the Secretary of State to have the same published, as is provided for by the constitution.

ARTICLE 1ST.

SEC. 1. The House of Representatives shall consist of members to be chosen every fourth year, by the qualified electors of the several counties.

SEC. 2. The General Assembly shall meet every four years, on the first Monday of November, at the seat of government, until altered by law.

SEC. 3. All general elections shall be viva voce, until otherwise directed by law, and commence and be holden every four years, on the first Monday in October, until altered by law.

ARTICLE 2D.

SEC. 1. The Secretary of State, auditor, treasurer, judges of the circuit courts, attorneys for the State, and all other officers elected by the General Assembly, except judges of the supreme court, whose terms of office shall remain as now established by the constitution, shall continue in office during the term of four years from the commencement of the General Assembly at which they shall have been elected, and until their respective successors shall be duly qualified.

SEC. 2. The presiding judges of the county courts and ex-officio judges of the courts of probate, shall continue in office for the term of four years from the meeting of the county court at which they shall have been elected, and until their respective successors are duly qualified.

SEC. 3. Justices of the peace, sheriffs, coroners, county treasurers, county surveyors, constables, and all other officers elected by the people, shall be chosen at each general election, and shall continue in office during the term of four years from the time of their election, and until their respective successors are duly elected and qualified.

ARTICLE 3D.

SEC. 1. The General Assembly shall have power to pass all laws that may be deemed necessary to remedy any temporary defect or inconvenience growing out of the foregoing amendments.

Which was read and passed to a second reading by the following vote, to wit:

Yeas—Messrs. Bean, Black, Ficklin, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Reyburn, Rose, Shaw, Smith, Stell, Trimble and Yell—17.

Nays—Messrs. Clark, Gainer, Gaines, Newton, Pelham, Rives and Walker—7.

Mr. Clark asked and obtained leave to introduce a bill to be entitled "an act supplementary to an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas for the purpose of internal improvement, and to establish a land office for that purpose."

Which was read a first time, and ordered to a second reading on tomorrow.

On motion of Mr. Yell, the message from the House, asking a committee on the part of the Senate, to confer with Messrs. Mayers, Bertrand and Booker, on the correction of the bill of the House, for the relief of sheriffs and coroners, was taken up and read, and Messrs. Yell, Smith and Newton appointed said committee.

Mr. Clark asked and obtained leave to introduce a bill to be entitled "an act supplementary to the several laws governing the militia of this State."

Mr. Rose introduced the following resolution:

Resolved, That this General Assembly will adjourn *sine die* on Monday the 6th day of January next, 1845.

And that a committee of three be appointed on the part of the Senate, to act in conjunction with such committee as may be appointed on the part of the House of Representatives, to wait on his excellency the Governor, and inform him of the passage of this resolution, and enquire whether he has any further communications to make to this General Assembly.

And the concurrence of the House of Representatives is respectfully asked.

Which was read, and the question being on its adoption, Mr. Maxwell called for the yeas and nays, which being ordered, were yeas 24, nay 1.

Yeas—Messrs. Bean, Black, Clark, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, Mitchell, McCamy, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Walker, Yell and Mr. President—24.

Nay—Mr. Trimble—1.

So the resolution was adopted, and Messrs. Rose, McCamy and Black appointed a committee to wait on the Governor.

On motion of Mr. Yell, the vote taken yesterday on the bill of the House, entitled "an act to authorize James H. Caldwell, executor of Chas. Caldwell, deceased, to sell certain property," was reconsidered.

The bill from the House, entitled "an act for the improvement of roads and highways in this State, and to place resident land holders on an equality with non-resident land holders in this State," was read a second time.

On motion of Mr. Trimble, the rules were suspended, and the bill read a second time, and referred to a select committee, consisting of Messrs. Irvin, Neely and Trimble.

The bill from the House, entitled "an act to exempt Mount Holly Cemetery from taxation," was read a first time.

On motion of Mr. Newton, the rules were dispensed with, and the bill read a second time; and on further motion of Mr. Newton, the rules were again dispensed with, and the bill read a third time and passed.

A message was received from the Governor, by L. J. Reardon, esq., informing the Senate that he had approved and signed,

"An act for the relief of James B. Jackson;"

"An act to change the time of holding the probate and county courts of Randolph county;"

"An act to refund to William Black the State and county taxes paid by him for the purchase of a tract of land sold erroneously."

The bill from the House, entitled "an act to provide for sinking a salt well in Van Buren county," was read a first time.

Mr. Gainer moved to dispense with the rules, and read the bill a second time.

Mr. Bean moved to lay the bill on the table until the 4th day of July next.

Upon which motion, Mr. Gainer called for the yeas and nays, which being ordered, were yeas 16, nays 8, as follows:

Yeas—Messrs. Bean, Black, Clark, Ficklin, Gaines, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Rose, Smith, Trimble, Walker and Mr. President—16.

Nays—Messrs. Gainer, Hudson, Newton, Pelham, Reyburn, Shaw, Stell and Yell—8.

The memorial from the House, asking an appropriation from Congress to complete the national road from Memphis, Tennessee, to Little Rock, Arkansas, was read a first time.

On motion of Mr. Ficklin, the rules were dispensed with, and the memorial read a second time.

Mr. Newton offered the following amendment to the memorial:

"That this General Assembly, being willing to show their disposition to carry out the objects stated in the foregoing memorial, hereby appiopriate out of any funds arising from the sale of the 500,000 acres donated by Congress for internal improvement, the sum of fifty thousand dollars."

Which amendment was read, and the question being on its adoption, Mr. Ficklin called for the yeas and nays, which being ordered, were yeas 8, nays 17, as follows:

Yeas—Messrs. Clark, Gainer, Neely, Newton, Reyburn, Rives, Trimble and Mr. President—8.

Nays—Messrs. Bean, Black, Ficklin, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Pelham, Rose, Shaw, Smith, Stell, Walker and Yell.

So the amendment was not adopted.

The memorial was then ordered to a third reading on to-morrow.

Mr. Gaines asked and obtained leave to introduce a bill entitled "an act to allow the Secretary of State $200 per annum, for clerk hire in his office."

Which was read a first time, and ordered to a second reading on tomorrow.

Mr. Stell asked and obtained leave of absence for Mr. Gaines.

On motion of Mr. Maxwell, the Senate adjourned.

WEDNESDAY, *January* 1*st*, 1845.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were eighteen Senators present.

The journal of yesterday was read.

Mr. McKean, asked and obtained leave of absence for Mr. Clark, on account of indisposition.

Mr. Trimble from the committee on the judiciary, made the following report:

Mr. President—The judiciary committee to whom was referred the bill to be entitled "an act to regulate the fees of the clerk of the supreme court," have had the same under consideration, and instruct me to report, that the fees in said court, allowed to the clerk thereof, under existing laws, are totally inadequate to sustain any competent clerk, and to pay for the labor of the office, the actual receipt in the last two years, amounting to only the sum of $448 72, equal to $224 37 per annum.

Your committee, therefore, beg leave to report said bill without amendment, and recommend that the same do pass.

WM. TRIMBME, *Chairman*
Judiciary Committee.

Which report was read.

The bill from the House, entitled "an act to regulate the fees of the clerk of the supreme court," accompanying the above report, was read a third time.

Mr. Trimble offered to amend the bill by filling the blank in the 32d line of the 1st section with $500.

Which amendment was adopted.

On motion of Mr. Neely, $300 in the 8th line of the 1st section was stricken out.

Mr. McCamy moved to fill the blank with $200.

Mr. Neely moved to fill it with $100.

The question was then taken on Mr. McCamy's motion, and lost.

Mr. Neely's motion prevailed.

The question being on the final passage of the bill, Mr. Rives called for the yeas and nays, which being ordered, were yeas 15, nays 9, as follows:

Yeas—Messrs. Ficklin, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Shaw, Trimble and Yell—15.

Nays—Messrs. Bean, Black, Gainer, Rives, Rose, Smith, Stell, Walker and Mr. President—9.

So the bill was passed as amended.

Mr. Yell from a committee of conference made the following report:

Mr. President,—The committee of conference appointed to act in conjunction with a committee on the part of the House, on the bill entitled "an act for the relief and benefit of sheriffs and coroners," have had the same under consideration, and the committee are of opinion that the Senate was in error, in returning said bill to the House of Representatives; and the committee on the part of the Senate, have received the bill, and ask leave to submit the same to the Senate with the present report.

The bill accompanying the above report was read a first time, and ordered to a second reading on to-morrow.

Mr. Trimble from a select committee, made the following report:

Mr. President—The select oommittee to whom was referred the bill entitled "an act to appropriate the whole of the common school fund to the purchase of books for common schools," have had the same under consideration, and have instructed me report the said bill with the following amendment, in lieu of the proposed amendment:

1st amend by inserting after the word "Assembly," in the 12th line of the 2d section, the following, viz:

"That if any county hath, or shall fail to elect the commissioners, provided for under the twenty-fifth section of the act to which this is an amendment, the connty court of such county, at any term thereafter, shall elect such commissioners, who shall continue in office until the next general election, and until their successors are elected and qualified."

And also, by adding the following as the 4th section:

SEC. 4. *And be it further enacted*, That the township trustees to be elected under the provisions of the 4th section of the act to establish a system of common schools in the State of Arkansas, in lieu of the bond in said fourth section mentioned, shall, before he enters on the duty of his said office, execute a bond to the State of Arkansas, in any sum not less than five hundred dollars, with good security, to be conditioned and approved as in said fourth section prescribed.

SEC. 5. *And be it further enacted*, That said board of county commissioners, so soon as may be after the receipt of the books, transmitted to them under the provisions of this act, shall distribute the same to the several township commissioners in equal portions, to be by them distributed, giving priority to those who are unable to purchase books.

All which is respectfully submitted.

WM. TRIMBLE, *Chairman*
Select Committee.

Which report was read and adopted, and the bill as amended was read a third time.

On motion of Mr. Rose, the 5th section of the bill was stricken out.

Mr. Gaines offered to amend by inserting after the word "fund," in the 3d line of the title of the bill, the words "now on hand in the bank of the State of Arkansas."

Which amendment was adopted.

The question being on the final passage of the bill, Mr. Gaines called for the yeas and nays, which being ordered, were yeas 14, nays 9, as follows:

Yeas—Messrs. Bean, Gaines, Hudson, McCamy, McKean, Neely, Newton, Reyburn, Rose, Stell, Trimble, Walker, Yell and Mr. President—14.

Nays—Messrs. Black, Ficklin, Gainer, Irvin, Maxwell, Mitchell, Pelham, Rives and Shaw—9.

So the bill was passed as amended.

The following message were received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed a bill to be entitled "an act to grant a charter to John Shipp and Thomas S. Hughes, to make a turn pike."

Also, "an act to open a road to Fort Smith from Little Rock on the south side of the Arkansas river;"

Also, a bill to be entitled "an act for the relief of Pleasant M. Johnson, sheriff of Madison county;"

And also, a bill to be entitled "an act authorizing John C. Bowen to affiliate Rebecca Jane Green and John Thomas Barrington;"

All of which are herewith transmitted for the assent of your honorable body.

The House have assented to the bill of the Senate entitled "an act to ratify and confirm the marriage of Augustus F. Odle and Lucy Ann Lewis, minors;"

Also, the memorial to the Congress of the United States, concerning the erection of levees on the banks of the Mississippi and Arkansas rivers.

Which are herewith returned.

The House have assented to the bill of the Senate, entitled "an act to change the time of holding the circuit courts in part of the first judicial circuit:"

Also, "an act to amend an act placing the bank of the State of Arkansas in liquidation, approved the 3d February, 1843," with amendments, to which the concurrence of your honorable body is asked.

And are herewith returned.

Mr. Mitchell from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have examined "an act anthorizing Miller Irvin, as administrator of the estates of John J. Powell, Nicholas Rightor, Arnold Fisher, William S. Woods and Benanial L. Bower, deceased, to sell and dispose of the real estate which belongs to said estates," and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr. Pelham, the orders of the day were taken up.

The resolutions to amend the constitution, introduced on yesterday by Mr. Irvin, were read a second time.

Mr. Irvin offered to amend by inserting at the end of the last line of the 1st section, of article 1st. as follows:

"The Senate shall consist of members to be chosen every 8 years by the qualified electors of the several districts."

Mr. Newton called for the yeas and nays on the adoption of Mr. Irvin's amendment, which being ordered, were yeas 6, nays 17, as follows:

Yeas—Messrs. Ficklin, Irvin, Maxwell, McCamy, Neely and Reyburn—6.

Nays—Messrs. Bean, Black, Gainer, Gaines, Hudson, Mitchell, McKean, Newton, Pelham, Rives, Rose, Shaw, Stell, Trimble, Walker, Yell and Mr. President—17.

So the amendment was lost.

The question then being on passing the resolutions to a third reading; on this question the yeas and nays were ordered, and were yeas 10, nays 13, as follows:

Yeas—Messrs. Bean, Ficklin, Hudson, Irvin, Maxwell, McCamy, Neely, Rose, Shaw and Trimble—10.

Nays—Messrs. Black, Gainer, Gaines, Mitchell, McKean, Netwon, Pelham, Reyburn, Rives, Stell, Walker, Yell, and Mr. President—13.

So the resolutions were lost.

The bill to be entitled "an act to allow the Secretary of the State $200 per annum for clerk hire in his office," was read a second time, and was ordered to a third reading on to-morrow.

The bill to be entitled "an act to allow persons to pay any part of taxes which may be due for taxes of land, and to redeem the same," was read a third time, and the question being on the final passage of the bill, Mr. Gaines called for the yeas and nays, which being ordered, were yeas 12, nays 10, as follows:

Yeas—Messrs. Ficklin, Gainer, Hudson, Maxwell, McCamy, McKean, Mitchell ,Reyburn, Rives, Shaw, Stell and Mr. President—12.

Nays—Messrs. Bean, Black, Gaines, Irvin, Neely, Newton, Pelham, Rose, Trimble and Walker—10.

So the bill was passed.

The bill to be entitled "an act to declare Cadron navigable," was read a third time,and passed.

The memorial from the House to the Congress of the United States, asking an appropriation to complete the national road from Memphis to Little Rock, was read a third time and passed.

The bill from the House entitled "an act to authorise James H. Caldwell executor of the last will of Charles Caldwell, deceased, to sell certain property," was read a third time and passed.

The bill to be entitled "an act supplementary to an act to regulate the price and sale of the 500,000 acres of land donated to the State, for the purpose of internal improvement, and to establish a land office for that purpose," was read a second time.

Mr. Newton offered the following amendment to the second section of the bill:

"For the purpose of paying for the plats aforesaid."

Which amendment was adopted and the bill ordered to a third reading on to-morrow.

On motion of Mr. Black the vote taken on yesterday on the bill to be entitled "an act supplemental and explanatory of an act passed this session of the General Assembly approved December 20, 1844 entitled an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas for the purpose of internal improvement, and to establish a land office for that purpose," was reconsidered.

On motion of Mr. Bean the bill was taken up and read.

The question being on the final passage of the bill,

Mr. Ficklin called for the yeas and nays, which being ordered were yeas 20 nays 3.

Yeas—Messrs. Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Reyburn, Rives, Rose, Shaw, Stell, Trimble, Walker, Yell, and Mr. President—20.

Nays—Messrs. Bean, Newton and Pelham—3.

So the bill was passed.

On motion of Mr. Irvin the vote taken on yesterday on Mr. Bean's motion to reject the bill of the House, entitled "an act to provide for sinking a salt well in Van Buren county," was reconsidered

On motion of Mr. Gainer the bill was taken up and read a second time, and refered to a select committee consisting of

Messrs. Gainer, Neely, and McKean.

The bill from the House entitled "an act authorising John C. Bowen to affiliate Rebecca Jane Green and John Thomas Barrington,"—was read a first time and ordered to a second reading on to-morrow.

Mr. Rives asked and obtained leave of absence.

On motion of Mr. Bean the Senate took a recess until 2 o'clock P. M.

At 2 o'clock P. M. the Senate convened.

The President ordered a call of the Senate.

The roll being called it appeared that there were seventeen Senators present.

The bill to be entitled "an act to amend an act to place the bank of the State of Arkansas in liquidation, approved 3d February 1843," was taken up and the first nmendment of the House to the bill was read.

Mr. McCamy moved to amend the amendment by adding, after the word "county," in the 2d line of said amendment, the words "or district."

The question being on the adoption of the amendment to the amendment,

Mr. Ficklin called for the yeas and nays which being ordered were yeas 14 nays 9, as follows:

Yeas—Messrs. Gainer, Gaines, Hudson, Maxwell, McCamy, McKean, Neely, Reyburn, Rives, Rose, Stell, Walker, Yell, and Mr. President—14.

Nays—Messrs. Bean, Black, Ficklin, Irvin, Mitchell, Newton,—Shaw, Smith and Trimble—9.

So the amendment to the amendment was adopted.

On motion of Mr. Ficklin the amendment to the amendment was concurred in.

The following message was received from the House of Representatives, by S. S. Tucker esq. clerk:

Mr. President—I am instructed to inform your Honorable Body that the House of Representatives have concurred in the resolution of the Senate that this General Assembly will adjourn *sine die* on Monday the 6th Jany. 1845.

And have appointed Messrs. Mayers, Brown of Sevier, Cross, Lambert and Berry a committee on part of the House to wait upon the Governor and inform him of this resolution and ask him if he has any further communication to make to this legislature.

The second amendment made by the House to the bill was by adding section 19.

The question being on concurring in the amendment,

Mr. Ficklin called for the yeas and nays which being ordered were yeas 13 nays 10, as follows:

Yeas—Messrs. Bean, Black, Gainer, Maxwell, McCamy, Mitchell, Neely, Rose, Smith, Stell, Walker, Yell and Mr. President—13.

Nays—Messrs. Ficklin, Gaines, Hudson, Irvin, McKean, Newton, Reyburn, Rives, Shaw and Trimble—10.

So the amendment was concurred in.

The third amendment of the House was by adding section 20.

Which was concurred in by the Senate.

The fourth amendment of the House to the bill, was to change the time of taking effect of the act "from and after its passage," until the sixth day of April 1845, and to make section 19th of the original bill section 21.

Which was concurred in by the Senate.

Mr. McCamy introduced the following resolution.

"*Resolved*, That the two Houses of the General Assembly go into the election of auditor of public accounts, State treasurer, commissioner of public buildings, and financial receivers and attorneys for the bank of the State of Arkansas and its branches, on Friday the 3d inst. at 2 o'clock P. M. and the House of Representatives is requested to concur therein."

Which was read and adopted.

The bill from the House entitled "an act to grant a charter to John Shipp and Thomas Hughes, to make a turnpike road," was read a first time.

On motion of Mr. McKean,

The rules were dispensed with and the bill read a second and third time and passed.

Mr. Gainer from a select committee made the following report:

Mr. President, The select committee to which was refered the "bill to provide for sinking a salt well in Van Buren county," have had the same under consideration and have instructed me to report the same with an amendment.

GAINER, *Chairman.*

Strike out the 4th section of the bill and insert the following:

"SEC. 4. *Be it further enacted*, That the $300 appropriated under this act shall only be paid on the contingency that a sufficient supply of salt water is found to justify the establishment of salt works."

Which report was read and adopted, and the bill read a third time as amended and passed.

Mr. Walker from a select committee made the following report:

Mr. President, The select committee, to whom was referred a resolution, instructing our Senators, and requesting our Representative in Congress to use their influence to have old Fort Wayne re-established at some point, on our frontier border, between Evansville and old Fort Wayne, has had the same under consideration and ask leave to report a substitute in its place.

J. G. WALKER, *Chairman*
of Select Committee.

Which report was read and adopted, and the substitute for the original resolution read a third time and passed.

The amendment made by the House to the bill of the Senate entitled "an act to change in part the time of holding the circuit courts in the 1st judicial circuit," was read and concurred in by the Senate.

The bill from the House entitled "an act to open a road to Fort Smith from Little Rock on the south side of the Arkansas river was read a first time.

On motion of Mr. Gaines,

The rules were dispensed with and the bill read a second and third time and passed.

Mr. Mitchell from the committee on enrolled bills made the following report:

Mr. President, The committee on enrolled bills have this day handed to the Governor for his approval, an act authorising Miller Irvin as administrator of the estates of John J. Powell, Nicholas Righter, Arnold Fisher, William S. Woods and Benaneel L. Bower deceased, to sell and dispose of the real estate which belongs to said estates.

WM. C. MITCHELL, *Chairman.*

Mr. Mitchell from the committee on enrolled bills made the following report:

Mr. President, The committee on enrolled bills have examined an act to ratify and confirm the marriage of Augustus F. Odle and Lucy Ann Lewis, minors, and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

The bill from the House entitled "An act for the relief of Pleasant M. Johnson sheriff of the county of Madison" was read a first time.

On motion of Mr. Walker,

The rules were dispensed with and the bill read a second time.

On motion of Mr. Bean,

The rules were again dispensed with and the bill read a third time.

The question being on the final passage of the bill,

Mr. Gaines called for the yeas and nays, which being ordered were yeas 18 nays 5 as follows:

Yeas—Messrs. Bean, Ficklin, Gainer, Hudson, Irvin, McCamy, Mitchell, McKean, Neely, Newton, Reyburn, Rives, Rose, Shaw,—Stell, Walker, Yell and Mr. President—18.

Nays—Messrs. Black, Gaines, Maxwell, Smith and Trimble—5.

So the bill was passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President, I am instructed to inform your honorable body that the House of Representatives have passed a preamble and resolutions requesting our Senators and Representative in Congress in relation to the Hot Springs in the State of Arkansas.

Which is herewith transmitted for the assent of your honorable body.

The house have concurred in the amendment of the Senate to the amendment of the House to the second section of the bill to amend an act placing the bank of the State of Arkansas in liquidation.

Which is herewith returned.

The message was taken up and read.

The preamble and resolutions accompanying it, was read a first time.

On motion of Mr. Black,

The rules were dispensed with and the preamble and resolutions read a second time.

Mr. Newton moved to amend the caption, by inserting after the word Senate, the words, "and the House of Representatives in Congress assembled."

Which was adopted.

Mr. Smith moved to reject the preamble and resolutions.

Which motion the chair decided to be out of order.

On motion of Mr. Smith,

The rules were dispensed with, and the preamble and resolutions read a third time.

On motion of Mr. Gaines,

The preamble and resolutions were laid on the table until the 4th day of July next.

On motion of Mr. Stell,

The Senate adjourned.

THURSDAY *January 2d*, 1845.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were nineteen Senators present.

The Journal of yesterday was read.

Mr. Trimble, from the committee on the judiciary, made the following report:

Mr. President—The committee on the judiciary, to whom was referred "an act for the relief of the heirs and legal representatives of the late John Lenox, of Arkansas county, &c.," have had the same under consideration, and ask leave to report the following amendments:

Strike out all of the 3d section, after the word "due" in the tenth line thereof.

SECT 4. *And be it further enacted,* That the financial receiver and attorney of the branch of the said bank, at the Post of Arkansas, shall have power to suspend any call for debt, or interest on the debt of the said Jno. Lenox dec. for the term of two years if they shall think it advisable so to do, and to take such steps as will be best calculated to secure the debts of said deceased, and to promote the interest of said estate.

All which, is respectfully submitted.

W. TRIMBLE, *Chairman.*

Which report was read and adopted, and the bill read a third time and passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed "an act to amend the 1st. see. of the 106th chapter of the revised statutes."

An act, entitled "an act, creating the Fort Smith Academy,"

Also, "an act for the relief of the heirs and legal representatives of James Johnson, deceased."

Also, "an act to authorize Caroline Donnell, and Dempsey Foster, administrator of the estate of Donnell, dec'd, late of Ouachita county, to reserve from sale, and keep together, the personal property belonging to said estate."

And also, "an act supplementary to an act, establishing a system of common schools, as far as the same relates to estrays.

All of which are herewith transmitted for the assent of your honorable body.

The House have assented to the bill of the Senate, entitled "an act supplementary to an act, distributing the revised statutes of Arkansas.

Which is herewith returned.

Mr. Pelham, from a select committee, made the following report:

Mr. President—The select committee, to whom was referred "an act entitled an act, to amend the law in relation to billiard tables and ten pin alleys," have had the same under consideration, and beg leave to report the same back to the Senate without amendment, and recommend that the same be passed.

PELHAM, *Chairman.*

Which report was read and adopted, and the bill read a third time.

Mr. Gaines, offered to amend, by adding the following, to the 3d section of the bill:

"*Provided,* that nothing herein contained, shall be so construed, as to prevent any person from being fined and dealt with, according to law, for betting at any game or games of billiards or ten pins.

Which amendment was adopted.

Mr. Walker offered to amend, by adding after the word "ten pins," in the 4th line of the second section, the words, "nine pins, or any other number of pins."

Which amendment was lost.

The bill as amended, was then read a third time and passed.

On motion of Mr. McCamy, the resolution from the House of Representatives, to amend the constitution of the State of Arkansas, was taken up and read a first time, and ordered to a second reading on to-morrow, by the following vote.

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Gaines, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker, Yell and Mr. President—24.

Nays—none.

Mr. Newton asked aad obtained leave of absence for Mr. McKean.

Mr. Trimble from the select committee to whom was referred a bill from the House of Representatives, entitled "an act, for the improvement of roads and highways, in this State, and to place resident land holders on an equality with non-resident land holders in this State," made the following report:

Mr. President—The select committee to whom was referred the bill of the House, entitled "an act for the improvement of roads and highways, in this State, &c." have had the same under consideration, and a majority therereof, instruct me to report said bill back to the Senate without any amendment, and ask leave to be discharged from the further consideration thereof.

All which, is respectfully submitted,

Wm. TRIMBLE,
by order of a majority.

Which report was read and adopted.

Mr. Irvin, from the minority of said committee, made the following report:

Mr. President—The undersigned, being one of the select committee to whom was referred the three several bills relating to roads and highways, have had the same under consideration, and a majority of said committee have instructed me to report one of the bills of the House, with the amendments thereto appended. And, whereas, the undersigned being one of such committee, would most respectfully submit, in as much as he dissents from the majority report in the premises, the following, as his objections.

All of which, is most respectfully submitted for the consideration of the Senate.

1st. The bill of the House, which is recommended by a majority of said committee, does not provide for any thing more than to delegate power to the several county courts, to levy a tax upon land for road purposes, bridges, &c., and seems to have been intended by its framers, to be wholly disconnected with a general law, or such as are indispensable, relating to roads, overseers, delinquents and inforcement of penalties.

Again, there is a second bill of the House, which seems to be tacitly rejected by said committee, seemingly in silence, but with due respect to its framers, it is herewith submitted for the consideration of the Senate. The undersigned, however, believes the bill to be defective, and falling wholly short of the ends desired, in as much as jurisdiction of penal offences, under the provisions of the bill, are made cognizable by the county courts, or attempted so to be. All of which, the undersigned believes to be forbidden by the constitution.

Wherefore, the undersigned would recommend the amendments to the bill of the Senate, as follows, together with their adoption, and then the passage of the bill.

All of which, is respectfully submitted.

Amend, by adding to the bill of the Senate, as follows:

SEC. 10. *Be it further enacted*, That the county courts of the several counties of this State, and of the counties which may be hereafter established, shall be fully authorized and empowered to levy a tax, not to exceed one fourth of one per cent., on all the lands within their respective counties, which are, or may be owned by any citizen of such county, or by any non-resident, apon the assessed value of the same, which may be assessed for the purpose of State revenue; and the same, when so levied, as herein provided, shall be collected by the collector of the State and county revenue of such county, under the same laws, and in the same manner, and with alike penalties governing the collection of State and county revenue of this State, and when so collected, the same shall be paid into the county treasury of the proper county, for the purpose of improving roads, highways, building bridges of the proper county, and for no other purpose.

Further amend, by adding the following, which shall be designated as section 11.

SEC. 11. *Be it further enacted*, That section 1, 2, 5, 6, 7, and 9, of an act, entitled an act relating to public roads, and the overseers thereon, approved, February, the 3d, 1843, which was repealed on a previous day of this session, be, and the same, to-wit: sections 1, 2, 5, 6, 7, and 9, are hereby renewed, and declared in full force and effect.

Further amend, by designating section 10 of the original bill, as section 13.

MILLER IRVIN, *Chairman.*

Which was read.

Mr. Trimble announced to the Senate, that the Hon. John Clark, a member of the Senate, from the counties of Chicot, Union and Bradley, died this morning.

Mr. Newton introduced the following resolution:

Whereas, The Senate have just been informed of the death of the Hon. John Clark, Senator from Chicot, Union and Bradley counties.

Resolved, That all further business be suspended for the day, and that a committee be appointed on the part of the Senate, to act with such committee as shall be appointed on the part of the House to make all necessary arrangements for the funeral, of the deceased.

Resolved further, That the members of the Senate, in token of respect to the memory of the deceased, will wear the usual badge of mourning for the space of thirty days, and that the House of Representatives be informed of the passage of the foregoing resolutions.

Which were read and unanimously adopted,

And Messrs. Newton, Trimble, Ficklin, McKean and Irvin, appointed said committee, and the House of Representatives informed thereof.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Reprosentatives have concurred in the resolution of the Senate, in relation to the decease of the Hon. John Clark, and join in condolence of the afflictive bereavement, and have appointed a committee, consisting of Messrs. Fowler, Bertrand, Rust, Garner and Dawdy, to attend the obsequies of the deceased.

The Senate adjourned.

FRIDAY, *Jonuary 3d*, 1845.

The Senate met pursuant to adjournment.

On motion of Mr. Ficklin, the Senate toook a recess until 2 o'clock, P. M.

At two o'clock, P. M., the Senate convened.

The President ordered a call of the Senate.

The roll being called, it appeared that there were seventeen Senators present.

On motion of Mr. Rives, the Senate adjourned.

SATURDAY, *January 4th*, 1845.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate.

The roll being called, it appeared that there were seventeen Senators present.

The journal of yesterday was read.

Mr. Rives introduced the following resolution:

Resolved, That the two Houses of this General Assembly, proceed to the election of auditor, treasurer, financial receivers and attorneys for the principal bank of the State of Arkansas and branches, and a commissioner of public buitdings, this evening, at 6 o'clock, P. M., and the concurrence of the House of Representatives is respectfully asked.

Mr. Pelham moved to amend by inserting "commissioners of the penetentiary," which amendment was accepted by Mr. Rives.

Mr. Ficklin offered to amend, by striking out 6 o'clock, and inserting "half after 2 o'clock," which amendment was accepted by Mr. Rives.

Mr. Gainer offered the following as a substitute for the original resolution:

Resolved, by the Senate and House of Representatives, That they meet in convention and proceed to the election of auditor and treasurer for the State; and the election of attorney and financial receiver for the principal bank of the State of Arkansas, at Little Rock; and for attorney and financial receiver for the branch of said bank at the Post of Arkansas; and for attorney and financial receiver for the branch of said bank at Batesville; and for attorney and financial receiver of said bank at Fayetteville, at half past two o'clock on this day. And that the House of Representatives be requested to concur herein.

Mr. Maxwell offered to amend by inserting:

"Commissioner of public buildings."

Which was accepted by Mr. Gainer.

Mr. Black offered to amend by inserting:

"Three commissioners of the penitentiary."

Which was adopted.

Mr. Ficklin offered to amend by striking out "commissioners" and inserting "inspectors."

Which was adopted, and the resolution, as amended, was adopted, and the House informed thereof.

The bill from the House entitled "an act for the relief of sheriffs and coroners," was read a second time.

Mr. Trimble offered the following amendment:

Strike out in the 6th line the words "out of the State treasury," and insert "to be paid out by the county where the offence was committed."

The question being on the adoption of the amendment, Mr. Walker called for the yeas and nays, which being ordered, were yeas 3, nays 20, as follows:

Yeas—Messrs. McKean, Reyburn and Trimble—3.

Nays—Messrs. Bean, Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, Mitchell, McCamy, Newton, Pelham, Rives, Rose, Shaw, Smith, Stell, Walker, Yell and Mr. President—20.

So the amendment was lost.

Mr. Trimble moved to strike out $3 00 in the 6th line of the 1st section.

Which motion prevailed.

Mr. McCamy moved to fill the blank with $2 00.

Mr. McKean moved to fill it $1 50.

Mr. Trimble moved to fill it with $1 00.

Mr. Irvin moved to fill it with $2 50.

The question was taken on Mr. Irvin's motion, and lost.

The question was then taken on Mr. McCamy's motion, which was carried.

On motion of Mr. Black, the rules were dispensed with, and the bill read a third time.

Mr. Newton moved to strike out "3" in the 11th line of the first section, and insert "2."

Which motion prevailed.

The question was then taken on the final passage of the bill.

Mr. Trimble called for the yeas and nays, which being ordered, were yeas 18, nays 4, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Newton, Pelham, Rives, Rose, Shaw, Stell, Walker, and Yell—18.

Nays—Messrs. Neely, Reyburn, Trimble, and Mr. President—4.

So the bill was passed.

The bill from the House entitled "an act authorizing John C. Bowen to affiliate Rebecca Jane Greene and John Thomas Barrington," was read a second time.

On motion of Mr. Rives, the rules were dispensed with, and the bill read a third time and passed.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have examined a memorial to the Congress of the United States, asking for an appropriation of five hundred and eighty thousand dollars for the construction of levees along the bank of Mississippi and Arkansas rivers; also an act to amend an act to place the banks of the State of Arkansas in liquidation, approved 3d February, 1843, and find the same correctly enrolled. WM. C. MITCHELL, *Chairman.*

The resolutions from the House, to amend the constitution of the State of Arkansas, were taken up and read a second time, and ordered to a third reading on Monday next, by the following vote:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rose, Shaw, Smith, Stell, Trimble, Walker, and Mr. President—21.

Nays—Mr. Rives—1.

The bill to be entitled "an act to allow the secretary of State $200 per annum for clerk hire in his office," was read a third time and passed.

The report of the minority of the select commmitte on the bills to amend the road laws, made by Mr. Irvin on Thursday last, was taken up and read.

The bill from the House entitled "an act for the improvement of roads and highways in this State, and to place resident land holders on an equality with non-resident land holders in this State," reported back to the Senate by Mr. Trimble on Thursday last, from the majority of said select committee, was read a third time and passed.

The bill to be entitled "an act supplementary to an act relating to public roads and highways, and the overseers thereon, approved February the 3d, 1843," was read a third time.

Mr. Irvin moved to adopt the minority report, which motion was lost.

Mr. Irvin offered to amend by adding section 11, as follows:

SEC. 11. *Be it further enacted*, That sections 1, 2, 5, 6, 7 and 9, of "an act relating to public roads and the overseers thereon," which was repealed on a previous day of this session, be, and the same, to-wit, sections 1, 2, 5, 6, 7 and 9, are hereby revived and declared to be in full force and effect.

On motion of Mr. McCamy, the bill and proposed amendments were laid on the table indefinitely.

A message was received from the Governor, by L. J. Reardon esq., informing the Senate that he had approved and signed "an act authorizing Miller Irvin, as administrator of certain estates, to sell and dispose of real estate: also, an act to ratify and confirm the marriage of Augustus F. Odle and Lucy Ann Lewis.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have under consideration a communication from the Hon. John Pope, late Territorial Governor of Arkansas, and have referred the communication to a committee of five on the part of the House, consisting of Messrs. Trapnall, Greenwood, Marshall, Bertrand, and Brown of Johnson, and request that the Senate appoint a committee of three to confer with the committee of the House on the subject.

The House have passed a resolution authorizing the Governor of the State of Arkansas to institute suit in the name of the State for the recovery of the salt lands in Sevier county.

Which is herewith transmitted for the assent of your honorable body.

On motion of Mr. McCamy, the bill from the House entitled "an act to amend the road law," was taken up and read a third time.

The question being on the final pasage of the bill, Mr. Neely called for the yeas and nays, which being ordered, were yeas 9, nays 11, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Hudson, McCamy, Reyburn, Shaw, Stell and Walker—9.

Nays—Messrs. Gainer, Irvin, Maxwell, Mitchell, McKean, Neely, Newton, Pelham, Rives, Trimble and Mr. President—11.

So the bill was lost.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House has concurred in the resolution of the Senate to go into the election of auditor and treasurer of the State, financial receivers and attorneys for the principal bank of the State of Arkansas, and each of the branches of said bank, commissioner of public buildings, and three inspectors of the penitentiary, at half-past 2 o'clock, P. M., to-day, with an amenement, to which the concurrence of your honorable body is respectfully asked.

Amend by adding—

Resolved, That the resolution heretofore adopted by the two Houses of this General Assembly, fixing Monday next for the adjournment of this General Assembly, be, and the same is hereby, rescinded, and that this General Assembly do adjourn *sine die* on Thursday the 9th day of this month.

The following message was received from the House of Representives, by S. S. Tucker, esq., clerk:

Mr. President—I am instructed to inform your honorable body, that the House has disagreed to the amendment of the Senate, to the bill of the House entitled "an act for the benefit and relief of Thomas S. Woodward, and Thos. Woodward, and has appointed a committee of conference, consisting of Messrs. Rust, Foster, and Bertrand, to act with such committee as may be appointed on the part of the Senate, to take into consideration the matter of disagreement between the two Houses; and the Senate are respectfully asked to appoint such committee on her part.

On motion of Mr. Newton, the messages from the House were taken up.

On motion of Mr. Newton, the amendment of the House to the resolution of the Senate, to go into the election of auditor, treasurer, &c., was concurred in.

The chair appointed Messrs. Trimble, Hudson, and McKean a committee on part of the Senate, to confer with Messrs. Rust, Foster and Bertrand, committee on part of the House, on the disagreement between the two Houses, on the bill of the House entitled "an act for the benefit and relief of Thomas S. Woodward and Thomas Woodward.

Mr. McKean, from a committee of conference, made the following report:

Mr. President,—The committee of conference of both Houses of the General Assembly, who have had under consideration a bill to amend an act entitled an act to prohibit the emigration and settlement of free negroes or free persons of color into this State, approved January 20, 1843, have come to the conclusion, that the House recede from their disagreement to the amendment of the Senate, and concur in said amendment, and have instructed me to report accordingly.

McKEAN, *Chairman*.

The chair appointed Messrs. Newton, Ficklin, and Rose, a committee on part of the Senate, on the communication of the Hon. John Pope, late Territorial Governor.

The resolution of the House authorizing the Governor to institute suit for the recovery of the salt lands in Sevier county, was read a first time.

On motion of Mr. McKean, the rules were dispensed with, and the resolutions read a second and third time and passed.

The bill from the House entitled "an act to amend the 106th chapter of the revised statutes, under the head of official oaths," was read a first time.

Mr. Newton offered the following amendment to the bill, to-wit:

SEC. 2. *Be it further enacted.* That the mayor and aldermen of the city of Little Rock, shall not, after the passage of this act, levy or collect a higher or greater tax than one sixteenth of one per cent. upon the taxable property within the limits of said city.

SEC. 3. *Be it further enacted,* That the mayor and aldermen of said city of Little Rock, shall not, under any cirsumstances whatever, issue any evidences of debt, change tickets, treasury warrants or certificates, after the passage of this act; and all such evidences of debt, change tickets, treasury warrants or certificates, issued by said mayor and aldermen or any of their officers or agents, after the passage of this act, shall be null and void, and of no validity whatever, all laws to the contrary, notwithstanding.

SEC. 4. *Be it further enacted,* That the said mayor and aldermen of said city, the recorder and constable, before entering upon the discharge of their official duty, shall each take and subscribe the following oath or affirmation, before some judge or justice of the peace, and file the same in the office of the secretary of State, viz: "I, A. B. do solemnly swear, that I will not, during the time that I may be in office as vote for the making or issuing any change tickets, treasury warrants or certificates, or other evidences of debt, and that I will faithfully discharge my duties according to law."

Which amendment was adopted.

On motion of Mr. Nawton, the rules were suspended, and the bill, as amended, read a third time and passed.

On motion of Mr. Newton, the title was amended, by adding thereto, after the word "oaths," "and for other purposes."

The bill from the House, entitled "an act to authorize Caroline Donnell and Dempsey Foster, administrators of the estate of Samuel Donnell, deceased, of Ouachita county, to reserve from sale, and keep together the personal property belonging to said estate," was read a first time.

On motion of Mr. McKean, the rules were dispensed with, and the bill read a second and third time and passed.

The bill from the House, "entitled "an act for the relief of the heirs and legal representatives of James Johnson, deceased, late of the county of Hempstead, and more effectually to secure the payment of the debts of said estate," was read a first time.

On motion of Mr. Trimble, the rules were dispensed with, and the bill read a second time.

On motion of Mr. McKean, the rules were again dispensed with, and the bill read a third time and passed.

The bill from the House, entitled "an act supplementary to an act, establishing a system of common schools, as far as the same relates to estrays," was read a first time.

On motion of Mr. Rives, the rules were dispensed with, and the bill read a second time.

On motion of Mr. McCamy, the bill was referred to a select committee, consisting of Messrs. McCamy, Rives and Rose.

The bill from the House, entitled "an act to incorporate Fort Smith Academy, was read a first time.

On motion of Mr. Rives, the rules were dispensed with, and the bill read a second time.

On motion of Mr. Pelham, the bill was read a third time and passed.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills, have examined "an act to change the time of holding the circuit courts, in part of the first judicial circuit," and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

The bill to be entitled "an act to regulate the price and sale of the 500,000 acres of land donated to the State of Arkansas, for the purpose of internal improvement, and to establish a land office for that purpose," was read a third time.

And on motion of Mr. Black, laid on the table for the present.

Mr. Rives reconsidered his vote on the bill of the House, entitled "an act to amend the road laws."

Mr. Smith moved the bill be put upon its final passage.

On motion of Mr. Trimble, all the bill was stricken out, except the first section.

The question was then taken on the final passage of the bill, and it was lost.

On motion of Mr. Ficklin, the Senate took a recess until 2 o'clock, P. M.

At 2 o'clock, P. M., the Senate convened.

The President ordered a call of the Senate:

The roll being called, twenty senators answered to their names.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills, have this day handed to the Governor for his approval, an act to change in part, the time of holding the circuit courts within the first judicial circuit of this State.

WM. C. MITCHELL, *Chairman.*

A message was received from the Governor, by L. J. Reardon, esq., informing the Senate that he had signed "an act to amend an act, to place the Bank of the State of Arkansas in liquidation, approved, 3d February, 1843."

Also, a memorial to the Congress of the United States, by the General Assembly of the State of Arkansas."

And, "an act to change in part, the time of holding court in the first judicial circuit of the State."

Mr. McCamy from a select committee, made the following report:

Mr. President—The select committee to whom was referred, "an act supplementary to an act establishing a system of common schools as far as the same relates to estrays," have had the same under consideration, and a majority have instructed me to report the same with an amendment.

Which is herewith respectfully submitted, for the adoption of the Senate

McCAMY, *Chairman,*
Select Committee.

Amend by inserting after the word "treasury," in the 6th line, the words "for county purposes."

Which report and amendment was adopted.

Mr. Rose offered to amend the amendment, as follows:

Strike out the words "county purposes," and insert, "for common school purposes."

The question was then taken on Mr. Rose's amendment to the amendment.

Mr. Rose called for the yeas and nays, which being ordered, were yeas 10, nays 12, as follows:

Yeas—Messrs. Bean, Hudson, Maxwell, Newton, Reyburn, Rose, Shaw, Smith, Trimble, and Mr. President—10.

Nays—Messrs. Black, Ficklin, Gainer, Irvin, McCamy, Mitchell, McKean, Neely, Pelham, Rives, Stell, and Walker—12.

So the amendment was lost.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives are now in readiness to receive the Senate, for the purpose of going into the election of auditor and other State officers named in a joint resolution, authorizing said elections.

In accordance with the above message, the Senate repaired to the hall of the House of Representatives, and being seated, the Speaker announced that, nominations for auditor of public accounts were in order.

Whereupon, Mr. Mayers of the House, nominated Elias N. Conway.

No other nominations being made, the roll was called, when it appeared that Elias N. Conway had received 88 joint votes.

Those Senators who voted for Elias N. Conway, are

Messrs. Bean, Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker and Mr President—22.

Whereupon, the Speaker proclaimed that Elias N. Conway, having received the unanimous vote of both Houses, was duly elected auditor of public accounts, for, and during the period prescribed by law.

The Speaker announced that nominations for treasurer were in order.

Whereupon, Mr. Bertrand of the House of Representatives, nominated Jared C. Martin.

No other nominations being made, the roll was called, when it appeared that Jared C. Martin had received 90 joint votes.

Those Senators, who voted for Jared C. Martin, are

Messrs. Bean, Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker and Mr. President 22.

Whereupon, the Speaker proclaimed that Jared C. Martin, having received the unanimous vote of both Houses, was duly elected treasur of the State, for the time prescribed by law.

The Speaker announced that nominations for financial receiver of the principal bank of the State of Arkansas, at Little Rock, were in order.

Whereupon, Mr. Floyd, of the House, nominated Abner E. Thornton; Mr. Simmons, of the House, nominated Peter T. Crutchfield; and Mr. Blakemore nominated John H. Crease.

No other nominations being made, the roll was called, when it appeared that Abner E. Thornton had received 42 joint votes, Peter T. Crutchfield had received 29 joint votes, and John H. Crease had received 21 joint votes.

Those Senators who voted for Abner E. Thornton, are

Messrs. Black, Ficklin, Hudson, Maxwell, McCamy, McKean, Neely, Reyburn, Rives, Rose, Walker and Mr. President—12.

Those Senators who voted for Peter T. Crutchfield, are

Messrs. Bean, Mitchell, Irvin, Shaw and Stell—5.

Those Senators who voted for John H. Crease, are

Messrs. Gainer. Newton, Pelham, Smith and Trimble—5.

None of the candidates having received a majority of all the votes given, the roll was again called, when it appeared that Abner E. Thornton had received 48 joint votes, Peter T. Crutchfield had received 26 joint voint votes, and John H. Crease had received 16 joint votes.

Those Senators who voted for Abner E. Thornton, are

Messrs. Black, Ficklin, Hudson, Maxwell, McCamy, McKean, Neely, Pelham, Reyburn, Rives, Rose, Stell, Walker and Mr. President—14.

Those Senators who voted for Peter T. Crutchfield, are

Messrs. Bean, Mitchell and Shaw—3.

Those Senators who voted for John H. Crease, are

Messrs. Gainer, Irvin, Newton, Smith and Trimble—5.

Whereupon, the Speaker proclaimed, that Abner E. Thornton, having received a majority of all the votes given, was duly elected financial receiver of the principal bank of the State of Arkansas, at Little Rock, for, and during the period prescribed by law.

The Speaker announced that nominations for attorney of the principal bank of the State of Arkansas, at Little Rock, were in order.

Whereupon, Mr. Culver, of the House, nominated Euclid L. Johnson; and Mr, Simmons, of the House, nominated Lemuel R. Lincoln.

No other nominations being made, the roll was called, when it appeared that Euclid L. Johnson had 65 joint votes, and Lemuel R. Lincoln received 25 joint votes.

Those Senators who voted for Euclid L. Johnson, are

Messrs. Black, Ficklin, Hudson, Maxwell, McCamy, McKean, Pelham, Reyburn, Rose, Shaw, Stell and Walker—12.

Those Senators who voted for Lemuel R. Lincoln, are

Messrs Bean, Gainer, Irvin, Mitchell, Neely, Newton, Rives, Smith, Trimble and Mr. President—10.

Whereupon, the Speaker proclaimed that Euclid L Johnson, having received a majority of all the votes given, was duly elected attorney for the bank of the State of Arkansas, at Little Rock, for the period prescribed by law.

The Speaker announced that nominations for financial receiver of the branch of the bank of the State of Arkansas, at Fayetteville, were in order.

Whereupon, Mr. Greenwood, of the House, nominated Richard P. Pulliam.

No other nominations being made, the roll was called, when it appeared that Richard P. Pulliam had received 91 joint votes.

Those Senators who voted for Richard P. Pulliam, are

Messrs. Bean, Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker and Mr. President—22.

Whereupon, the Speaker proclaimed that Richard P. Pulliam, having received the unanimous vote of both Houses, was duly elected financial receiver, of the branch of the bank of the State of Arkansas, at Fayetteville, for the period prescribed by law.

The Speaker announced that nominations for attorney, for the branch of the bank of the State of Arkansas, at Fayetteville, were in order.

Whereupon, Mr. Berry of the House, nominated Alfred M. Wilson.

No other nominations being made, the roll was called, when it appeared that Alfred M. Wilson, had received 84 joint votes.

Those Senators who voted for Alfred M. Wilson, are

Messrs. Bean, Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble, Walker and Mr. President—21.

Whereupon, the Speaker proclaimed, that Alfred M. Wilson, having received the unanimous vote of both Houses, was duly elected attorney for the branch of the bank of the State, at Fayetteville, for the period prescribed by law.

The Speaker announced that nominations for financial receiver of the branch of the bank of the State, at Batesville, were in order.

Whereupon, Mr. Mitchell, of the House, nominated Burrell J. Wiley; Mr. Ficklin nominated Charles B. McGruder; and Mr. Gainer nominated William S. Hynson.

The roll was called, when it appeared that Burrell J. Wiley had received 20 joint votes, William S. Hynson had received 23 joint votes, and Charles B. McGruder had received 43 joint votes.

Those Senators who voted for Burrell J. Wiley, are

Messrs. McCamy, Mitchell, Stell and Walker—4.

Those Senators who voted for William S. Hynson, are

Messrs. Bean, Gainer, McKean, Shaw and Trimble—5.

Those Senators who voted for Charles B. McGruder, are

Messrs. Black, Ficklin, Hudson, Irvin. Maxwell, Neely, Newton, Pelham, Reyburn, Rives, Rose, Smith and Mr. President—13.

None of the candidates having received s majority of all the votes given, the Speaker declared that there was no choice made.

Mr. Fowler withdrew the name of William G. Hynson.

The roll was again called, when it appeared that Burrell J. Wiley had 30 joint votes, and Charles B. McGruder had received 55 joint votes.

Those Senators who voted for Burrell J. Wiley, are

Messrs. Gainer, McCamy, Mitchell, Shaw, Stell and Walker—6.

Those Senators who voted for Charles B. McGruder, are Messrs. Bean, Black, Ficklin, Hudson, Irvin, Maxwell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Smith, Trimble and Mr. President—16.

Whereupon, the Speaker proclaimed, that Charles B. McGruder, having received a majority of all the votes given, was duly elected financial receiver of the branch of the State, at Batesville, for the period prescribed by law.

The Speaker announced that nominations for attorney for the branch of the bank of the State at Batesville, were in order.

Whereupon, Mr. Pelham nominated Isaac Baker.

No other nomination being made, the roll was called, when it appeared, that Isaac Baker had received 81 joint votes, McCoy had received 1 joint vote, and John S. Ficklin had received 1 vote.

Those Senators who voted for Isaac Baker, were

Messrs Bean, Black, Ficklin, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rose, Smith, Stell, Trimble, Walker, and Mr. President—20.

The Senator who voted for McCoy, is Mr. Gaines

The Senator who voted for John S. Ficklin, is Mr. Shaw.

Whereupon, the Speaker proclaimed that Isaac Baker, having received a majority of all the votes given, was duly elected attorney for the branch of the bank of the State, at Batesville, for the period prescribed by law.

The Speaker announced that nominations for financial receiver of the branch of the bank of the State, at the Post of Arkansas, were in order.

Whereupon, Mr. Cross, of the House, nominated James F. Smith, and Mr. Mayers, of the House, nominated Richard F. Dunn.

No other nomination being made, the roll was called, when it appeared that James F. Smith had received 77 joint votes, and Richard F. Dunn, had received 10 joint votes.

Those Senators who voted for James F. Smith, are

Messrs Bean, Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Reyburn, Rives, Rose, Shaw, Smith, Stell, Walker and Mr. President—20.

Those Senators who voted for Richard F. Dunn, are

Messrs Newton and Trimble—2.

Whereupon, the Speaker proclaimed that James F. Smith, having received a majority of all the votes given, was duly elected financial receiver of the branch of the bank of the State, at the Post of Arkansas, for the period prescribed by law.

The Speaker announced that nominations for attorney for the branch of the bank of the State, at the Post of Arkansas, were in order.

Whereupon, Mr. Floyd, of the House, nominated James Yell; and Mr. Gainer, of the House, nominated Isaac N. Barnett.

No other nomination being made, the roll was called, when it appeared that James Yell had received 38 joint votes, and Isaac N. Barnett had received 49 joint votes.

Those Senators who voted for James Yell, are.

Messrs. Bean, Black, Gainer, Hudson, Irvin, Maxwell, McCamy, McKean, Neely, Pelham, Rose, Smith, Stell, Trimble, Walker and Mr. President—16.

Those Senators who voted for Isaac N. Barnett, are

Messrs. Ficklin, Mitchell, Newton, Reyburn, Rives and Shaw—6.

Whereupon, the Speaker proclaimed that Isaac N. Barnett, having received a majority of all the votes given, was duly elected attorney for the branch of the bank of the State, at the Post of Arkansas, for the period prescribed by law.

The Speaker announced that nominations for commissioner of public buildings were in order.

Whereupon, Mr. Foster, of the House, nominated William Triplett, and Mr. Ficklin, nominated Henry F. Pendleton.

No other nomination being made, the roll was called, when it appeared that William Triplett had received 48 joint votes, and that Henry F. Pendleton had received 38 joint votes.

Those Senators who voted for William Triplett, are

Messrs. McKean, Newton, Rives and Smith—4.

Those Senators who voted for Henry F. Pendleton, are

Messrs. Bean, Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, Mitchell, Neely, Pelham, Reyburn, Rose, Shaw, Stell, Trimble, Walker and Mr. President—17.

Whereupon, the Speaker announced that William Triplett, having received a majority of all the votes given, was duly elected commissioner of public buildings, for the period prescribed by law.

The Speaker announced that nominations for three inspectors of the penetentiary were in order.

Whereupon, Mr. Floyd of the House, nominated Henry F. Pendleton, Mr. Mayers of the House, nominated Reuben Raynes, Mr. Newton nominated Ebenezer Walters, Mr. Bertrand of the House nominated William W. Stevenson.

Mr. Greenwood of the House, nominated Lambert Reardon, sen., and Mr. Trapnall of the House, nominated William Triplett.

No other nominations being made, the roll was called, when it appeared that Henry F. Pendleton had reccived 64 joint votes; Reuben Raynes had received 9 joint votes: Ebenezer Walters had received 37 joint votes; William W. Stevensen had received 34 joint votes: Lambert Reardon sen., had received 64 joint votes, and William Triplett had received 17 joint votes.

Those Senators who voted for Henry F. Pendleton, are

Messrs. Bean, Black, Ficklin, Hudson, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rose, Smith, Stell, Trimble, Walker and Mr. President—18.

Those Senators who voted for Reuben Raynes, are

Messrs Bean and Irvin—2.

Those Senators who voted for Ebenezer Walters, are

Messrs. Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Newton, Pelham, Reyburn, Rives, Rose, Smith, Stell, Trimble and Mr. President—16.

Those Senators who voted for William W. Stevenson, are

Messrs. Black, Bean, Mitchell, McKean, Neely, Pelham, Rives and Walker—8.

Those Senators who voted for Lambert Reardon, sen., are

Messrs. Ficklin, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Newton, Reyburn, Rives, Rose, Smith, Stell, Trimble, Walker and Mr. President—17.

The Senator who voted for Mr.. Triplett, is

Mr. Gainer—1.

Whereupon, the Speaker proclaimed that Henry F. Pendleton and Lambert Reardon, sen., having received a majority of all the votes given, were duly elected inspectors of the penetentiary, for the term prescribed by law.

There being still one inspector of the penetentiary, to be elected, Mr. Mayers, of the House, withdrew the name of Reuben Raynes, and the roll was again called, when it appeared that Ebenezer Walers had received 7 joint votes, William W Stevenson received 33 joint votes, and William Triplett, had received 36 joint votes.

Those Senators who voted for Ebenezer Walters, are Messrs. Maxwell, Newton, Rose and Stell—4.

Those Senators who voted for William W. Stevenson, were

Messrs. Black, Ficklin, Hudson, Irvin, McCamy, Mitchell, Neely, Reyburn, Rives, Shaw, Trimble, Walker and Mr. President—13.

The Senator who voted for William Triplett, is Mr. Gainer.

There being no choice made, Mr. Newton withdrew the name of Ebenezer Walters, and Mr. Bertrand of the House, withdrew the name of William W. Stevenson, whereupon, Mr. Ficklin re-nominated William W. Stevenson, and the roll was again called, when it appeared William W. Stevenson had received 39 joint votes, and that William Triplett had received 37 joint votes.

Those Senators who voted for William W. Stevenson, are

Messrs Ficklin, Hudson, Irvin, Maxwell, McCamy, Neely, Newton, Reyburn, Rives, Rose, Shaw, Stell, Trimble, Walker and Mr. President—15.

The Senator who voted for Mr. Triplett, was Mr. Gainer.

Whereupon, the Speaker proclaimed that William W. Stevenson, having received a majority of all the votes given, was duly elected an inspector of the penetentiary, for the term prescribed by law.

The Senate returned to their chamber.

On motion of Mr. Shaw, the Senate adjourned.

MONDAY, *January 6th*, 1845.

The Senate met pursuant to adjournment.

The roll being called, it appeared that there were nineteen Senators present.

The journal of Saturday the 4th inst. was read.

On motion of Mr. McCamy, the vote on the passage of the bill of the House, entitled "an act for the improvement of roads and highways, in this State, and to place resident land holders on an eqality with non-resident land holders in this State," was reconsidered.

The bill was then read.

Mr. McCamy offered to amend, by striking out the words "one fourth," in the 6th line of the 1st section, and insert in lieu thereof, the words "one sixth,"

Which amendment was lost.

The question on the final passage of the bill was taken.

Mr. Rives called for the yeas and nays, which being ordered, were yeas 10, nays 13.

Yeas—Messrs. Ficklin, Hudson, McKean, Pelham, Reyburn, Rose, Shaw, Smith, Trimble and Walker—10.

Nays—Messrs. Bean, Black, Gainer, Irvin, Maxwell, McCamy, Mitchell, Neely, Newton, Rives Stell, and Mr. Presidant—13.

So the bill was lost.

On motion of Mr. Pelham, the vote on the bill entitled, "an act supplementary to an act relating to roads and highways and the overseers thereon, approved Feb. 3d, 1843," was reconsidered.

The bill was read.

Mr. Pelham moved to amend as follows:

Amend in the 6th line of the 2d section, by striking out "three" and inserting "one."

Amend section 3, by inserting the following proviso at the end of said section:

"*Provided*, Such overseer in all cases when he shall be satisfied that such delinquent was prevented from working on said road, from some reasonable cause at the time appointed for him of them to do so, the said overseer shall not insert his, her or their name in said delinquent list.

Amend 4th section by striking out "fifteen," in second line of said section, and inserting "thirty."

Mr. Black offered to amend the amendment by striking out "her" in the 9th line of the proviso.

Which amendment was not accepted by Mr. Pelham.

The question was then taken on the amendment offered by Mr. Pelham, and adopted.

Mr. Pelham offered to amend the bill by adding thereto the following sections, to wit:

SEC. 10. *Be it further enacted*, That the county courts of this State, and of the counties which may hereafter be established, shall be fully authorized and empowered to levy a tax not to exceed one fourth of one per cent. on all lands within their respective counties, which are or may be owned by any citizen of such county, or by any non-resident, upon the assessed value of the same, which may be assessed for the purpose of State revenue; and the same, when so levied, as herein provided, shall be collected by the collector of the State and county revenue of such county, under the same laws and in the same manner, and with like penalties, governing the collection of the State and county revenue of this State; and when so collected, the same shall be paid into the county treasury of the proper county, for the purpose of improving roads, highways, and building bridges for the proper county and for no other purpose.

SEC. 11. *Be it further enacted*, That sections 1, 2, 5, 6, 7 and 9, of an act entitled "an act relating to public roads and the overseers thereon, approved Feb. 3d, 1843," which was repealed on a previous day of this session, be, and the same, to wit: sections 1, 2, 5, 6, 7 and 9, are hereby revived and declared in full force and effect.

Which amendment was read and adopted.

Mr. Trimble offered to amend, by adding the following as an additional section:

And be it further enacted, That said tax shall be collected in the manner following, to wit: that all persons liable to work on roads in the State, shall be entitled to a credit on such assessment, of one dollar for each day's work he may make on any road in his county, until he has paid the full amount of such assessment; and in all cases when the party assessed shall not work a sufficient time to pay such tax at the rate aforesaid, the said tax shall be collected as is now provided by law for the collection of State and county tax.

Which amendment was read and adopted.

The question "shall the bill pass?" was then put.

Mr. Bean called for the yeas and nays, which were yeas 10, nays 13, as follows:

Yeas—Messrs. Ficklin, Hudson, Irvin, Mitchell, McKean, Pelham, Reyburn, Smith, Trimble and Yell—10.

Nays—Messrs. Bean, Black, Gainer, Maxwell, McCamy, Neely, Newton, Rives, Rose, Shaw, Stell, Walker and Mr. President—13.

So the bill was lost.

Mr. Mitchell from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have examined "an act to to distribute the revised statutes of Arkansas among the several counties in this State," and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

The bill from the House, entitled "an act supplementary to an act establishing a system of common schools, as far as the same relates to estrays," was read a third time.

Mr. Black offered to amend the bill by adding thereto the following:

"That the 42d section of an act to establish a system of common schools in the State of Arkansas, passed and approved the 3d Feb., 1843, be and the same is hereby repealed."

Mr. Newton offered to amend the amendment of Mr. Black, as follows:

"That this amendment shall only apply to such counties as will not establish a system of common schools."

Mr. Black refused to accept the amendment of Mr. Newton.

The amendment of Mr. Newton was lost.

Mr. Maxwell called for the yeas and nays on Mr. Black's amendment, which were yeas 8, nays 14, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, Mitchell, Neely, Pelham, Rives and Stell—8.

Nays—Messrs. Bean, Hudson, Maxwell, McCamy, McKean, Newton, Reyburn, Rose, Shaw, Smith, Trimble, Walker, Yell and Mr. President—14.

So the amendment was rejected.

Mr. Trimble offered to amend the bill as follows:

"Strike out "for county purposes," and insert, "to be applied to pay the expenses of conveying prisoners to the penitentiary."

Which was rejected.

The question being on the final passage of the bill, Mr. Maxwell called for the yeas and nays, which were yeas 10, nays 13, as follows:

Yeas—Messrs. Black, Ficklin, Gainer, McCamy, Mitchell, Neely, Rives, Shaw, Stell and Walker—10.

Nays—Messrs. Bean, Hudson, Irvin, Maxwell, McKean, Newton, Pelham, Reyburn, Rose, Smith, Trimble, Yell and Mr. President —13.

The amendments of the House to the constitution of the State of Arkansas, were read a third time.

Mr. Trimble called for a division of the question, and moved to take the vote on each proposition separately, and called for the yeas and nays, which being ordered, were yeas 7, nays 14, as follows:

Yeas—Messrs. McKean, Neely, Newton, Reyburn, Rives, Trimble and Mr. President—7.

Nays—Messrs Bean, Black, Ficklin, Gainer, Hudson, Irvin, McCamy, Mitchell, Pelham, Rose, Shaw, Smith, Walker and Yell—14.

So the Senate refused to divide the question.

Mr. Trimble offered to amend by inserting after the word "contract," in the third proposition or resolution, the word "covenant."

Which amendment was adopted.

The question was then taken on the final passage of the resolutions or amendments, and they were passed by the following vote, to wit:

Yeas—Messrs. Bean, Black, Gainer, Hudson, Irvin, Mitchell, McKean, Neely, Newton, Reyburn, Rives, Rose Shaw, Stell, Trimble, Walker and Mr. President—17

Nays—Messrs. Ficklin, Maxwell, McCamy, Pelham, Smith and Yell—6.

So the amendments were passed by the constitutional majority.

On motion of Mr. Bean, the Senate took a recess until 2 o'clock P. M.

At 2 o'clock, P. M., the Senate convened.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed a bill entitled "an act to provide for the redemption of the State bonds, and for other purposes," and a resolution authorizing the Governor to appoint special bank agents.

To which the assent of the Senate is asked.

Also, the House of Representatives have assented to the bill of the Senate, entitled "an act to authorize the administrator of John Magness, deceased, to sell slaves of the estate of the said deceased:"

Also, assent to the bill of the Senate, entitled "an act to authorize non-residents to pay their taxes into the State treasury," with an amendment to which the concurrence of your honorable body is asked.

The bill from the House, entitled "an act to provide for the redemption of the State bonds, to establish a specie currency in this State, and to relieve the people from direct taxation," was read a first time.

On motion of Mr. Ficklin, the rules were dispensed with, and the bill read a second time.

Mr. Pelham moved to refer the bill to a select committee.

Which motion prevailed, and Messrs. Pelham, Ficklin and Bean, appointed said committee.

The amendment of the House, to the bill of the Senate, entitled "an act to authorize non-residents to pay taxes directly into the State treasury," was read and concurred in.

The resolutions from the House authorizing the Governor to appoint a special bank agent, was read a first time.

On motion of Mr Pelham, the rules were dispensed with, and the resolutions read a second time.

Mr. Mitchell from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have this day handed to the Governor for his approval, "an act supplementary to an act to distribute the revised statutes of Arkansas among the several counties of this State."

Wm. C. MITCHELL, *Chairman*

On motion of Mr. Trimble, the Senate adjourned.

Tuesday, *January 7th*, 1845.

The Senate met pursuant to adjournment.

The roll being called, eighteen Senators answered to their names.

The resolutions from the House, authorizing the Governor to appoint a special bank agent, were read a third time, and rejected.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed "an act entitled an act supplementary to an act for the better organization of the militia."

Which is herewith transmitted for the assent of your honorable body.

The bill accompanying the above message was taken up and read.

On motion of Mr. Walker, the rules were dispensed with, and the bill read a second time.

A message was received from the Governor, by A. B. Greenwood, esq., informing the Senate that he had signed,

"An act supplementary to an act to distribute the revised statutes of Arkansas among the several counties of this State."

On motion of Mr. Rives, the bill of the House for the better organization of the militia, was taken up and read a third time.

Mr. Neely moved to amend the 2d section of the bill as follows:

"Of one captain, one first, one second and one third lieutenant."

Which amendment was adopted.

Mr. Trimble moved the previous question, which was sustained by the Senate.

The question being on the final passage of the bill, Mr. Trimble called for the yeas and nays, which were yeas 14, nays 7, as follows:

Yeas—Messrs. Ficklin, Gainer, Hudson, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Stell and Trimble—14.

Nays—Messrs. Bean, Maxwell, McCamy, Smith, Walker, Yell and Mr. President—7.

So the bill was passed.

At 2½ o'clock the Senate convened.

Mr. Mitchell from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have this day handed to the Governor for his approval, a memorial to Congress asking an appropriation to remove the Red river raft.

Wm. C. MITCHELL, *Chairman.*

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed a bill to be entitled "an act to attach the county of Dallas to the second judicial circuit, and for other purposes;"

"An act for the relief of James B. Masters;"

And a bill to be entitled "an act to dispose of the 16th section of Upper township, in Crawford county."

Which are herewith transmitted for the assent of your honorable body.

The House have assented to the bill of the Senate entitled "an act to incorporate the Jenning's Falls manufacturing company."

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President—I am instructed to inform your honorable body, that the House have assented to the bill of the Senate, entitled "an act supplementary to an act passed at the present session of the General Assembly fixing the time of holding the circuit courts in the 4th judicial circuit," with an amendment, to which the concurrence of your honorable body is respectfully invited.

The House have also assented to the memorial of the Senate for removal of the Red river raft.

All of which is herewith returned.

Mr. Mitchell from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have examined "an act to authorize the administrator of John Magness, to sell all the slaves belonging to said estate," and have instructed me to report the same correctly enrolled.

Wm. C. MITCHELL, *Chairman.*

The amendment made by the House to the bill of the Senate, entitled "an act supplementary to an act fixing the time of holding the courts in the 4th judicial circuit," was concurred in by the Senate.

The bill of the House, entitled "an aci to attach the county of Dallas to the second judicial circuit, and for other purposes," was read a first time.

On motion of Mr. Hudson, the rules were dispensed with, and the bill read a second time.

And on the further motion of Mr. Hudson, the rules were again dispensed with, and the bill read a third time.

On motion of Mr· Trimble, the bill was laid on the table for the present.

The bill from the House, entitled "an act for the relief of James B. Masters," was read a first time.

Oh motion of Mr. Newton, the rules were dispensed with, and the bill read a second time.

And on the further motion of Mr. Newton, the rules were dispensed with, and the bill read a third time and passed.

Mr. Mitchell from the committee on enrolled bills, made the following report:

Mr. President,—The committee on enrolled bills have examined a memorial to Congress of the United States for the removal of the Red river raft, and find the same correctly enrolled, except the omission of the words, "the removal of the" in the twenty-ninth line after the word "the," which is interlined.

Wm. C. MITHELL, *Chairman.*

Mr. Mitchell from the committee on enrolled bills, made the following report:

Mr. President,—The committee on enrolled bills have this day handed to the Governor for his approval, "an act to authorize the administrator of the estate of John Magness, to sell all the slaves belonging to said estate."

Wm. C. MITCHELL, *Chairman.*

On motion of Mr. Rose, the vote taken on the final passage of the bill from the House, entitled "an act supplementary to an act establishing a system of common schools, as far as the same relates to estrays," was reconsidered.

On motion of Mr. Rose, the amendment made to the bill, by the select committee to whom it was referred on yesterday, and adopted by the Senate, as follows: "amend by inserting after the word treasury, in the 6th line the words "for county purposes," was stricken out, and the bill as it came from the House was, on motion of Mr. Maxwell, passed.

On motion of Mr. Smith, the bill from the House, entitled "an act to dispose of the 16th section of Upper township, in Crawford county," was taken up, read a third time and passed.

On motion of Mr. Hudson, the bill from the House, entitled "an act to attach the county of Dallas to the second judicial circuit, and for other purposes," was taken up, read a third time and passed.

On motion of Mr. Yell, the Senate adjourned.

WEDNESDAY, *January 8th*, 1845.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, eighteen Senators answered to their names.

The journal of yesterday was read.

Mr. Smith presented the following communication from the Governor:

To the Senate and House of Representatives:

My attention has been called to the importance of passing a law by this General Assembly, even at this late period of its session, empowering the executive of this State to appoint commissioners residing in the several States of this Union, empowered to administer oaths and affirmations, take testimony, the acknowledgment of deeds and other sealed instruments of writing, &c.

As there is no existing law authorizing such appointments, and their importance being manifest, I respectfully submit for your consideration the propriety of passing immediately a law to this effect.

THOS. S. DREW.

Which was read.

Mr. Miitchell from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have examined "an act to authorize non-residents of this State and others owning lands and town lots in counties in which they shall not reside, to pay taxes upon such lands and town lots, directly into the State treasury, should they prefer so doing;"

Also, "an act to incorporate the Jenning's Falls manufacturing company;"

Also, "an act snpplementary to an act passed at the present session of the General Assembly, prescribing the time of holding the circuit courts in the 4th judicial circuit of this State," and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have assented to the bill of the Senate, entitled "an act making appropriations for the year 1845 and 1846, and part of the year 1844, and for balances due from the State, and for other purposes," with sundry amendments thereunto appended, to which the concurrence of your honorable body is asked.

Which is herewith returned.

Mr. Pelham from a select committee, made the following report:

Mr. President—The select committee to whom was referred the bill of the House of Representatives, entitled "an act to provide for the redemption of the State bonds, to establish a specie currency in this State, and to relieve the people from direct taxation," have had the same under consideration, and report,

That under the act placing the State bank in liquidation, approved 31, January, 1843, it is provided that after the circulation of the State bank is taken up, the notes of the Real Estate bank shall not be received in payment of debts due to the State bank. Your committee can perceive no necessity of changing this salutary provision of an existing law, as is contemplated by the bill referred to them, especially as no new issues are made or can be made by any of the banks in this State, and the circulation of all them is rapidly decreasing, and will in all probability be entirely taken in before the next meeting of the General Assembly, by the payment of debts due the banks, and under the provisions of the laws of this session by which no paper, when received, can be again put in circulation. To adopt at this time any measure which would compel the receivers of the State bank to refuse to take the notes of the Real Estate bank in payment of ordinary debts to that institution, would, in the estimation of your committee, impose unnecessary hardships upon a portion of the community already weighed down with debt; be unequal and oppressive in its effects, and in the end highly injurious to the interests of the State.

Whilst such a measure would tend to a further depreciation of the nominal value of Real Estate bank notes in the hands of the people, there would be no corresponding benefit to them, in the increased value of the notes of the State bank, because of the comparatively small amount of the latter now in circulation. It would enable one class of debtors to pay at 25 or 30 cents, (those owing the Real Estate bank), whilst the other class, (those owing the State bank), would be compelled to pay at 75 or 80 cents on the dollar, or in that proportion, to a greater or less extent.

It would be injurious to the State, in so far, as it would jeopardize the debts due to the State bank, upon the collection of which, depends the extent to which the people may hereafter be taxed, to pay the bonds issued for that institution. Many debtors to the State bank, may, and will no doubt, be able to pay under existing laws, who might feel no very strong inducements to discharge their liabilities, should the bank refuse to take from them the same kind of money she paid out when their notes were discounted.

For these reasons, and many others which might be urged, the committee have come to the conclusion to report against the passage of the bill in its present shape, and herewith submit a substitute for the action of the Senate.

PELHAM.

Which report was read, and the question being on its adoption, Mr. Gaines called for the yeas and nays, which being ordered, were yeas 17, nays 6, as follows:

Yeas—Messrs. Bean, Ficklin, Hudson, Irvin, Maxwell, McCamy, Mitchell, Neely, Newton, Pelham, Reyburn, Rose, Rives, Shaw, Trimble, Yell and Mr. President—17.

Nays—Messrs. Black, Gainer, McKean, Smith, Stell and Walker—6.

So the report was adopted.

The substitute was then adopted in lieu of the original bill.

The bill was then read a third time.

Mr. Smith moved to amend the 2d section by striking out "6" in the last line, and inserting "4."

Which amendment was adopted.

Mr. Yell offered to amend by adding after the word "sold," in the 5th line of the 2d section, the following, "except the five hundred hypothecated bonds."

Which was adopted, and the bill as amended, was passed and transmitted to the House of Representatives.

The bill to be entitled "an act making appropriations for the years 1845, 1846 and part of the year 1844, and for balances due from the State, and for other purposes," was taken up, and the first amendment to the 1st section of the bill read.

Mr. Newton offered to amend the amendment to the 1st section of the bill, by adding the following:

"To pay Euclid L. Johnson for services as attorney, in prosecuting Hughes in Pulaski county, $100."

Which was lost.

All the amendments made by the House to the bill, were concurred in by the Senate, and the House informed thereof.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have adopted a series of resolutions relative to a communication received from his excellency the Governor of South Carolina.

Which are herewith transmitted for the concurrence of your honorable body.

Which message was taken up and read, and the resolution accompanying it read a first time.

On motion of Mr. Neely, the rules were dispensed with, and the resolutions read a second time.

On motion of Mr. Ficklin, the rules were dispensed with, and the resolutions read a third time.

Mr. Newton moved to lay the resolutions on table for the present.

Which motion was lost.

The question being on the final passage of the resolutions, Mr. Newton called for the yeas and nays, which being ordered, were yeas 21, nays 2, as follows:

Yeas—Messrs. Bean, Black, Ficklin, Gainer, Hudson, Irvin, Maxwell, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Rives, Rose, Smith, Stell, Trimble, Walker, Yell, and Mr. President—21.

Nays—Messrs. Newton and Shaw—2.

So the rosolutions were passed or concurred in and returned to the House of Representatives.

Mr. Irvin, by consent of the Senate, introduced a bill to be entitled "an act for the payment of the secretary of the Senate, and clerk of the House of Representatives."

Which was read a first time.

On motion of Mr. Irvin, the rules were dispensed with, and the bill road a second and third time and passed, and transmitted to the House of Representatives, for their assent.

Mr. Newton introduced the following resolution:

Resolved, That the auditor be required to lay before this house a statement of the amount paid out to the judges of the supreme and circuit courts since their election in November, 1840, the kind of funds in which it was paid, and as nearly as possible the rate of its depreciation at the several periods of payment.

Resolved, That at the time of the election of the judges in November, 1840, their salaries were fixed by law in dollars, and their election under such law constituted a contract between the State and the judges that they should receive their salaries in dollars.

Resolved, That the constitution of this State having prohibited the legislature from diminishing the salaries of judges during the time for which they were elected, the act of diminishing their salaries by paying them in depreciated paper, was in palpable violation of that instrument.

Resolved, That the object of the constitution in guarding the salaries of judges from diminution, being to render them independent, by protecting them thus far from the supposed caprice of the legislative department, and disabling said legislative department from driving the judges from office at their pleasure, by diminishing or withholding their salaries, the evil and injustice could not be avoided by the resignation of the judges, but such resignation would have constituted one of the very evils intended to be guarded against by the constitutional restrictions upon the legislative department.

Resolved, That if any of said judges have had their salaries diminished by being compelled to receive any thing but dollars for their salaries, they are entitled to payment to the amount of such diminution, and are entitled to the payment of such amount in preference to debts to members of the legislature, subsequently contracted.

Which were read, and the question being on their adoption, Mr. Newton called for the yeas and nays, which being ordered, were yeas 5, nays 16, as follows:

Yeas—Messrs. Irvin, McKean, Newton, Stell, and Trimble—5.

Nays—Messrs. Bean, Black, Ficklin, Hudson, Maxwell, McCamy, Mitchell, Neely, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Walker and Mr. President—16.

So the resolutions were not adopted.

On motion of Mr. Bean, the Senate took a recess until 3 o'clock, P. M.

At 3 o'clock, P. M. the Senate convened.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have assented to the bill of the Senate entitled "an act to pay the secretaty of Senate and clerk of the House of Representatives, with sundry amendments thereto appended, to which the concurrence of your honorable body is asked.

Which is herewith returned.

A message was received from the Governor by L. J. Reardon, esq., informing the Senate that he had approved and signed "an act to authorize the administrator of John Magness to sell all the slaves bolonging to said estate;" also a memorial concerning the raft in Red river.

The message from the House accompanying the bill of the Senate to pay the secretary of the Senate and clerk of the House of Representatives, was taken up and read.

The amendments of the House to the bill accompanying the message, were read, and the amendment by adding sections 3, 4 and 5 to the bill, were concurred in by the Senate.

The 4th amendment on 6th section was read.

Mr. Yell offered to amend by stricking out the words "financial receiver" and insert the words "circuit judges."

Mr. Newton offered the following amendment to the amendment, which was accepted by Mr. Yell, to wit:

And it shall be the duty of said attorneys to attend regularly at the Bank for which they are elected at least once in every four weeks, to discharge any duties imposed upon them by law, And if any attorney shall fail to attend any court, and other counsel is employed as aforesaid, such compensation as he shall receive shall be deducted out of the salary of such delinquent Bank attorney.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have assented to the bill of the Senate entitled an act to regulate forcible entry and detainer, with an amendment, to which the concurrence of your honorable body is asked. Which is herewith returned.

On motion of Mr. McKean, the bill to establish the county of Prairie, was taken up and read a second time.

Mr. Walker offered to amend by adding the following, to-wit:

SEC. 2. *Be it further enacted,* That all overseers of public roads or highways within this State, whenever it shall become necessary to work on any road or highway within their respective districts, shall give notice to all hands, their owners, overseers, or employers, who may be assigned to such districts or overseers, of the time and place and number of days they are required to work, and with what kind of tools they are to provide themselves; which notice shall be given to such hand, owner, overseer or employer, in person, or in writing left at his place of residence with some person over fifteen years of age, at least three days before the day appointed for commencing the work; the overseer shall in all cases be a competent witness to prove such notice, and shall receive for each day he may be employed in giving such notices, one dollar, to be paid out of the county treasury.

SEC. 3. *Be it further enacted,* That if any person who is liable to work on any road or highway in this State, shall fail to do so, or furnish a good hand in his place, agreeably to the existing laws, after being notified as required by this act, he shall, on conviction thereof before any county court in the county in which he lives, be find in any sum not less than seventy-five cents, nor more than one dollar and fifty cents, for each day he may fail to work, for the use of the road district in which he lives; *provided,* said delinquents shall have the privilege, under the direction of the overseer, to perform the same number of days' work for which he is delinquent, within said road district, any time before the day on which said overseer is bound by this act to return his delinquent list to the clerk of the county court.

SEC. 4. *Be it further enacted,* That it shall be the duty of every overseer of the public roads or highways of this State, to file with the clerk of the county court of the county in which he resides, a list of all delinquents under the provisions of this act, within twenty days after the failure of such delinquents to perform the the work assigned them; upon the receipt of such list the said clerk shall issue a summons, in the name of the county, for the use of the proper road or district, to each one of said delinquents, requiring him to appear before the county court of the county on the first day of the next term thereof, and show cause, if any they can, why they should not be fined as heretofore provided in this act; and if excuse is not given satisfactory to the court, it shall enter a fine against them as heretofore provided in this act, together with all costs of suit, which said summons shall be handed to, and executed by, the sheriff of the county, at least ten days previous to the term to which said writ may be returnable.

SEC. 5. *Be it further enacted*, That the notice to compel any slave or slaves to work on any road, shall be served on the owner, overseer or employer of such slave or slaves, and such owner, overseer or employer shall cause such slave or slaves, to comply with such notice, and on failure so to do, shall be fined as heretofore provided in this act.

SEC. 6. *Be it further enacted*, That it shall be the duty of the constables of the different townships to report upon oath to the county court, on or before the second day of each term thereof, the condition of the roads, within their respective townships, and what overseers have failed to perform his duty as enacted by the laws of this State in relation to roads.

SEC. 7. *Be it further enacted*, That if any constable should fail to make such report as aforesaid, or if it should appear from such report, when made, that any overseer has failed to perform his duty as aforesaid, or if that fault shall be known to any one of the justices of the peace upon the bench, a summons in the name of the county shall be issued against such constable or overseer; notifying him to appear before the county court at the next term thereof, and show cause, if any he can, why he should not be fined; and if no just excuse be given, the said court shall render judgment against such constable or overseer, for not less than three nor more than ten dollars, together with costs of suits.

SEC. 8. *Be it further enacted*, That when any delinquent shall be a minor, such fact shall be stated by the overseer in his list, and who is his parent or guardian, and the summons as aforesaid shall issue to such parent or guardian, and judgment be rendered and executed, issued against them as in other cases.

SEC. 9. *Be it further enacted*, That no overseer shall return in his delinquent list, any hand known to him to be sick, unable to work, or absent from the county, nor shall any delinquent on the trial of the case, as herein before provided, avail himself of any informality in the return of the overseer, but if upon such trial the delinquent is acquitted by the court in consequence of the negligence of the overseer, such overseer shall be taxed with the cost of the suit.

SEC. 10. *Be it further enacted*, That the 19th, 20th, 21st, 24th, 25th and 70th sections of the one hundred and thirtieth chapter of the revised statutes, and an act entitled an act relating to public roads and overseers thereon, approved February the 3d, 1843, be, and they are hereby, repealed.

SEC. 11. *Be it further enacted*, That this act take effect from and after its passage.

Which was read.

Mr. Newton offered the following amendment, to-wit:

Strike out the title of the bill and substitute the following—"A bill to be entitled an act concerning roads and the overseers thereof."

Which amendment was adopted.

Mr. Ficklin offered to amend by adding the following:

SEC. 12. *Be it further enacted*, That all persons who have purchased land of the State and given bond for the same, and the land so purchased has not been confirmed to the State, so that the Governor could not make a title, shall be entitled, upon application to the land agent created under the provisions of an act of this session, to receive the same again. *Provided*, That when the Governor has given any certificate of purchase, such certificate be returned.

SEC. 13. *Be it further enacted*, That all persons who have purchased land of the State at two dollars per acre, or at any other price, being a part of the 500,000 acres, under any law of the last legislature, shall be required, when it has not been done, to give his or their bonds up for the amount of such purchase.

SEC. 14. *Be it further enacted*, That each pre-emptor shall have full power to prove up his settlement, before any clerk or justice of the peace of his county, in all cases concerning the act passed at this General Assembly, as relates to the 500,000 acres donated by the Congress of the United States to the State of Arkansas, for internal improvement.

Which amendment was read and adopted.

Mr. Newton offered to amend the bill by striking out all after the enacting clause to the end of the 11th section, and insert the following in lieu thereof, to-wit:

"That an act relating to public roads and the overseers thereof, approved 3d of February, 1843, be, and the same is hereby, repealed."

Which amendment was adopted.

Mr. Newton offered the following amendment:

"And that the 130 chapter of the revised statutes, entitled roads and highways, be, and the same is hereby, revived and declared to be in full force and effect."

Which amendment was adopted.

Mr, Newton offered the following amendment:

"That the assistant clerk of the House of Representatives, and the assistant secretary of the Senate, shall each receive for their services during this session of the General Assembly, the sum of $5 00 per day."

The question being on the adoption of the amendment, Mr. Gainer called for the yeas and nays, which being ordered, were yeas 13, nays 8, as follows:

Yeas—Messrs. Bean, Hudson, McCamy, McKean, Neely, Newton, Pelham, Reyburn, Rives, Smith, Stell, Yell, and Mr. President—13.

Nays—Messrs. Black, Ficklin, Gainer, Irvin, Maxwell, Mitchell, Rose and Walker—8.

So the amendment was adopted.

Mr. Newton moved the previous question on the final passage of the bill, which was sustained by the Senate, and the bill as amended was passed, and transmitted to the House of Representatives for their assent.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have concurred in the amendment of the Senate to the amendment of the House to the bill of the Senate entitled an act to pay the secretary of the Senate and principal clerk of the House of Representatives, with two amendments, to which the concurrence of your honorable body is asked.

Which is herewith returned.

Which message was read, and the amendments of the House to the amendment of the Senate to the bill accompanying it, concurred in, and the House informed thereof.

On motion of Mr. Irvin, the message of the House accompanying the bill of the Senate entitled "an act to regulate the action of forcible entry and detainer," was taken up and read, and the amendments of the House to the bill read and concurred in, and the Senate informed thereof.

Mr. Black, introduced the following resolution:

Resolved, That the President of the Senate appoint a committee of three to act in conjunction with such committee as may be appointed on part of the House of Representatives, and inform his excellency the Governor that the present General Assembly are about to close their labors and adjourn, and if his excellency has any farther communication to make to them, that they are now ready to receive the same.

Which was read and adopted, and Messrs. Black, Bean, and Maxwell appointed said committee.

Mr. Walker introduced the following resolution.

***Resolved**, by the General Assembly of the State of Arkansas*, That it shall be the special duty of the secretary of State, to have the resolutions that were passed at the present session of the General Assembly, in relation to amending the constitution, published in compliance with the constitution.

Which was read a first time.

On motion of Mr. Walker, the rules were dispensed with, and the resolutions read a second time.

On motion of Mr. Black, the rules were again dispensed with, and the resolutions read a third time, and passed, and transmitted to the House of Representatives for their concurrence.

The following message was received from the House of Representatives, by S. S. Tucker esq. clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have assented to the bill of the Senate, entitled "an act supplementary to an act to establish a system of common schools, in the State of Arkansas, with sundry amendments, which are thereto appended, to which, the concurrence of your honorable body is asked, which is herewith returned.

Mr. Maxwell introduced the following resolution:

Resolved, That 25 copies of "an act, entitled an act, supplementary to an act, to place the bank of the State of Arkansas in liquidation, approved the 4th day of January, 1845," be printed for the use of the officers of said bank and branches.

Which was read and rejected.

The message from the House, accompanying the bill of the Senate, entitled "an act, supplementary to an act, to establish a system of common schools, in the State of Arkansas, was taken up and read, and the amendments of the House to the bill concurred in.

A message was received from the Governor, by L. J. Reardon, esq., informing the Senate, that he had approved and signed "an act to authorize non-residents of this State, and others, owning lands and town lots in counties in which they shall not reside, to pay taxes into the State treasury."

Also, "an act to incorporate the Jenning's Falls manufacturing company."

The following message was received from the House of Representives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate, making it the special duty of the secretary of State to have the resolutions to amend the constitution, at the present session published, in compliance with the constitution."

The House have assented to the bill of the Senote entitled "an act, to pay the secretary of State $200 per annum for clerk hire."

Which is herewith returned.

On motion of Mr Reyburn, the Senate adjourned.

THURSDAY, *January 9th,* 1845.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate;

The roll being called, it appeared that there were nineteen Senators present.

The Journal of yesterday was read.

The following message was received from the House of Representives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed a memorial to Congress, concerning French, Spanish and Bowie land claims, which is herewith transmitted for the assent of your honorable body.

The House of Representatives withhold their assent to the bill of the Senate entitled "an act concerning roads and the overseers thereof, but have adopted a substitute therefor, which is herewith returned.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have examined "an act to increase the per diem pay of the secretary of the Senate and principal clerk of the House of Representatives."

Also, an act, supplementary to an act, to establish a system of com. men schools, in the State of Arkansas, approved, 3d February, 1843."

Also, "an act to pay the Secretary of State two hundred dollars per annum, for clerk hire."

Also, "a resolution making it the duty of the Secretary of State to have the proposed amendments to the constitution published," and instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

Mr. Rose, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills, have examined "an act making appropriations for the years 1845, 1846, and part of the year 1844, and for balances due from the State, and for other purposes," and find the same correctly enrolled, except the words "*Be it further enacted,*" are left out in the third section, and interlined.

ROSE.

Mr. Yell, introduced the following resolution:

Resolved, That the Senate hereby unanimously tender their sincere thanks to tho Hon. John Williamson, President, for the able, impartial and dignified manner, with which he has discharged the duties of the responsible trust reposed in him, in presiding over the deliberations of this Senate, during its present session.

Which was read and unanimously adopted.

The President responded to the resolution in the following remarks:

Gentlemen of the Senate:

The time has arrived when you have completed the business for which you have been convened. For the dignified manner in which you have sustained yourselves, and for the exertions you have made in expediting the public business, and for the cordial support, which, on all occasions you have assisted me as your presiding officer, I return you my grateful thanks. The time has arrived when we must separate, and the uncertainty of human life, admonishes me, that all of us shall never meet again.

May the supreme dispenser of all good, conduct you safely to the bosoms of your family and friends.

Accept, gentlemen, individually, my best wishes for your future health and prosperity.

JOHN WILLIAMSON.

Mr. Yell, introduced the following resolution:

Resolved, That the Senate hereby tender their thanks to the secretary of the Senate, for the very diligent and able manner, which he has discharged the duties of the trust reposed in him, during the present session of the General Assembly.

Which was read and unanimously adopted.

Mr. Yell introduced the following resolution:

Resolved, That the Senate tender their thanks to the assistant secretary for his services, during this session of the General Assembly.

Mr. Yell introduced the following resolution:

Resolved, That the Senate hereby tender their thanks to their door keeper, for the manner in which he has discharged the trust reposed in him.

Which was read and unanimously adopted.

The memorial to Congress, in relation to the French, Spanish and Bowie land claims, from the House, was read a first time.

On motion of Mr. Pelham, the rules were dispensed with, and the memorial was read a second time.

On motion of Mr. Newton, the rules were again dispensed with, and the memorial was read a third time and passed, and returned to the House of Representatives.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President—I am instructed to inform yor honorable body, that the House of Representatives, have appointed Messrs. Trapnall, Booker and Dawdy a committee on part of the House, to wait on the Governor, and to ascertain whether his excellency has any further communication to make to this General Assembly.

The message from the House of Representatives, accompanying the bill of the Senate, "relating to roads and overseers thereof," and the substitute of the House thereto was taken up and read.

The question was then taken on adopting the substitute of the House in lieu of the original bill, and carried.

The question being on the final passage of the bill, Mr. Neely called for the yeas and nays, which being ordered were yeas 12, nays 5,—as follows:

Yeas—Messrs. Ficklin, Gainer, Hudson, McCamy, McKean, Newton, Reyburn, Rose, Shaw, Smith, Stell and Walker.—12.

Nays—Mersrs. Neely, Pelham, Rives, Trimble, and Mr. President. —5.

So the bill was passed and the House informed thereof.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have passed a memorial to Congress, concerning the Ckerokee difficulties, which is herewith transmitted for the assent of your honorable body.

Which was taken up and read.

The memorial to Congress accompanying it read a first time.

On morion of Mr. Smith, the rules were dispensed with and the memorial read a second and third time.

Mr. Trimble moved to postpone, indefinitely, the memorial, and called for the yeas and nays, which being ordered, were yeas 11, nays 10, as follows:

Yeas—Messrs. Bean, Gainer, Hudson, Mitchell, McKean, Neely, Newton, Reyburn, Rose, Stell, Trimble, and Mr. President.—11.

Nays—Messrs. Black, Ficklin, Irvin, Maxwell, McCamy, Pelham, Rives, Shaw, Smith, Walker and Yell.—10.

So the memorial was lost.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr President—The committe on enrolled bills have this day handed to the Governor for his approval, an act making appropriations for the years 1845, 1846, and part of the year 1844, and for ballances due from the State, and for other purposes. Also, an act to increase the per diem pay of Secretary of the Senate, and principal clerk of the House of Representatives. Also, an act supplementary to an act to establish a system of common schools in the State of Arkansas, approved 3d February, 1843. Also, an act to pay the Secretary of State two hundred dollars per annum, for clerk hire. Also, a resolution making the duty of the Secretary of State to have the proposed amendments to the constitution published.

Wm. C. MITCHELL,
Chairman.

Mr. Newton, from the joint select committee, appointed to take into consideration a "memorial submitted by the Hon. John Pope, late territorial Governor," to this General Assembly, made the following

REPORT.

Mr. President—The joint select committee to whom was referred the memorial of the Hon. John Pope, of Kentucky, with accompanying documents, have had the same under their consideration, and beg leave to submit for the consideration of this House, the following Report—the result of their deliberations.

The committee, without looking into the character of the legal demand preferred by the State of Arkansas, against the honorable gentleman, or expressing any opinion as to whether it is justly due, and owing to the State or not, have found no difficulty in coming to the conclusion that the memorialist has equitable claims against the State of Arkansas, to more than double the sum claimed; which claims, in the opinion of the committee, are susceptible of proof, and could be established in a court of equity, against the State.

That the memorialist, in the capacity of territorial Governor, and even after his term of office had ceased, spent considerable time and money in closing up the unsettled business of the territory, and so far as was possible, in completing the public buildings. In the opinion of the committee, rendering important services to the then territory, for which he is entitled, at least to the gratitude (if not compensation) of the whole people of the State. The committee, in conclusion respectfully recommend to the consideration of this House, the propriety of passing a resolution, authorising and empowering the Governor of the State of Arkansas, to enter a release of the decree rendered against the memorialist in favor of this State; that the same be fully satisfied; and all further proceedings be discontinued, in relation to the supposed claim of said State against the said memorialist.

THOMAS W. NEWTON, } *Senate.*
J. B. BROWN. }
W. H. SUTTON, } *House of*
C. P. BERTRAND. } *Rep's.*

Which report was read, and on motion of Mr. Newton, adopted.

Mr. Mitchell, from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have examined "an act to regulate the action of forcible entry and detainer," and find the same correctly enrolled with the exception of the 27th line, after the word defendant, the omission of forcibly, which is interlined.

WM. C. MITCHELL, *Chairman.*

Mr. Yell introduced the following resolution:

Resolved, That each Senator return to and leave in his desk, the supreme court reports, and the revised statutes, acts and journals, furnished to each member under a resolution at an early day of the present session, and that the door keeper return the same to the office of Secretary of State.

Whtch was read and adopted.

Mr. Newton introduced the following resolution:

Be it resolved by the General Assembly of the State of Arkanss, That the judge of the 5th judicial circuit, be, and he is hereby authorized to appoint an executive receiver for the State bank at Little Rock, should that office be vacant, to serve until the attorney elected under the act of this sessien is qualified; and in like manner the judge of the 3d judicial circuit, shall appoint an executive and financial receiver for the branch of the State bank at Batesville, if either of those offices should be vacant, to serve until the officers elected under the act of this session are qualified.

Which resolution was read a first time.

On motion of Mr. Ficklin, the rules were again dispensed with, and the resolution read a second and third time and passed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have adopted a resolution authorizing the Governor to send an agent to Texas for certain purposes

Which is herewith transmitted for the concurrence of your honorable body.

Which message was taken up and read, and the resolution read a first time.

On motion of Mr. Ficklin, the rules were dispensed with, and the resolution read a second and third time, and passed, and returned to the House of Representatives.

On motion of Mr. Ficklin, the Senate took a recess until 2 o'clock, P. M.

At 2 o'clock P. M. the Senate convened.

Mr. Mitchell from the committee on enrolled bills, made the following report:

Mr. President—The committee on enrolled bills have this day handed to the Governor for his approval, "an act to regulate the action of forcible entry and detainer."

Wm. C. MITCHELL, *Chairman.*

The following message was received from the Governor, by Col. L. J. Reardon:

I am instructed by his excellency to say, that in consequence of the many important matters contained in the bill making appropriations for 1845, 1846 and part of the year 1844, together with matters contained in many other bills previously submitted this morning for his consideration, he is unable to give the appropriation bill, that attention which its importance requires, and would request the indulgence of the Senate until its usual hour of meeting to-morrow.

Mr. McKean introduced the following resolution:

Resolved by the General Assembly of the State of Arkansas, That the proposition of John Hutt and wife, to the General Assembly, to convey to the State of Arkansas a certain house and lots in the city of Little Rock, described in said proposition, in satisfaction of the defalcation by said Hutt, as late treasurer of the State, be acceded to by this General Assembly, and that the Secretary of State and attorney general thereof be authorized to take and accept a conveyance from the said Hutt and wife, if in their opinion, the title is unexceptionable.

Resolved further, That the House and lots aforesaid, should they become the property of the State, be a portion of the public buildings of the State, and that they be used by the executive of the State, as an executive mansion.

Which were read a first time.

On motion of Mr. McKean, the rules were dispensed with, and the resolution read a second time.

On motion of Mr. Ficklin, the rules were again dispensed with, and the resolutions read a third time.

The question being on the final passage of the resolutions, Mr. Gainer called for the yeas and nays, which being ordered, were yeas 18, nays 5, as follows:

Yeas—Messrs. Black, Ficklin, Hudson, Irvin, Maxwell, Mitchell, McKean, Neely, Newton, Pelham, Reyburn, Rives, Rose, Shaw, Smith, Stell, Trimble and Yell—18.

Nays—Messrs. Bean, Gainer, McCamy, Walker and Mr. President —5.

So the resolutions were adopted, and transmitted to the House of Representatives for their concurrence.

Mr. Mitchell from the committee on enrolled bills made the following report:

Mr. President, The committee on enrolled bills have examined "an act to amend the road laws," and have instructed me to report the same correctly enrolled. Wm. C. MITCHELL, *Chairman.*

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have adopted a resolution rescinding the resolution heretofore adopted by this General Assembly, fixing this day for the adjournment of this legislature, and that this General Assembly adjourn *sine die* on to-morrow, the 10th January, 1845; to which the concurrence of your honorable body is asked.

Which was read, and the resolution concurred in, and the House of Representatives informed thereof.

Mr. Mitchell from the committee on enrolled bills made the following report:

Mr. President,—The committee on enrolled bills have this day handed to the Governor for his approval, "an act to amend the road laws."

Wm. C. MITCHELL, *Chairman.*

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have concurred in the resolution of the Senate relative to the appointment of financial receivers, &c., to the bank at Little Rock and branch at Batesville, with one amendment. Which is herewith returned for the assent of your honorable body.

The message was taken up and read, and the first amendment of the House to the resolution of the Senate, on motion of Mr. Newton, was disagreed to.

The second amendment of the House was read.

Mr. Newton offered a substitute therefor, authorizing the Govornor to draw on the internal improvement fund, for a sufficient amount to pay the contingent expenses in the office of the land agent of the State.

Which substitute was adopted, and transmitted to the House of Representatives for their concurrence.

On motion of Mr. Ficklin, the Senate adjourned.

FRIDAY, *January* 10*th*, 1845.

The Senate met pursuant to adjournment.

The President ordered a call of the Senate.

The roll being called, it appeared that there were nineteen Senators present.

The journal of yesterday was read.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk:

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have conurred in the resolution of the Senate, authorizing the secretary of State and attorney general to receive the proposition of John Hutt, in satisfaction of his defalcation, &c. Which is herewith returned.

The following message was received from his excellency, the Governor, by Col. L. J. Reardon:

HON. JOHN WILLIAMSON,
President of the Senate:

SIR—In conformity with a constitutional provision, I return the bill entitled "an act making appropriations for the year 1845, 1846, and part of the year 1844, and for balances due from the State, and for other purposes," with the following objections, which I hold insuperable, and for which reason I have thought proper to withhold my approval. In the first place, it is retrospective, proposing to pay specie to all the public creditors who may return Arkansas paper, after having drawn their pay, and to others who may not have drawn the amounts due them on the 31st December, for services rendered from the 1st day of October last,—thereby unsettling what has already been settled by former legal sanction—and, in doing so, has made invidious distinctions, not only among officers going out and those coming into office, but also in the pay to the same officers as regards time, without any valid cause.

In the second place, the bill entertains a marked distinction between the interest of the members and officers of the present General Assembly and that which is to be convened in future, and the other public officers, by appropriating $14,118 40, in addition to the balance of the unexpended appropriation of last session, which is $15,881 60, making the total amount of the appropriation to the present General Assembly, in specie, of $30,000—$23,000 of which will be absorbed at this session—to which add about $10,732 18 in specie, which may be drawn by public creditors for services from 1st October to 31st December inclusive, as provided by the bill,—these two amounts make the sum of $33,732 18. Now by a reference to the report of the bank committee, it will be found that at the time, there was of specie in the bank constituting part of the suplus revenue, and which this bill provides to draw out and place in the treatury, $36,000. And from a statement made out for my use by the treasurer this evening, it appears that the sum of $2,267 82 has already been withdrawn—leaving the precise sum in specie in the bank of $33,732 18—from all which it will be readily seen, that these two items, officers already paid and members and officers or the present legislature, will absorb every cent in specie on hand.

I do not pretend to question the right of the General Assembly to apply the specie in the State bank to other purposes than those contemplated by the act of liquidation, which provided that this specie should be paid out pro rata upon the circulation of the bank—for I am well satisfied that the specie in bank is the identical money, originally placed in the branch banks as part of their banking capital, which is known to be part of the surplus revenue deposited by the general government with this State, and legitimately under the control of the legislature—and the *only fund* which can be used by the State of the *many* entrusted to its charge by the general government, except for the object specified. Yet I do contend that the distinction made between the public creditors, officers and servants, is too glaring to pass unnoticed. The whole sum appropropriated in this bill, of specified objects, amounts to $88,572 24, to which add the amount proposed to be made to those officers already paid for servics from the 1st October to 31st December—say $10,732 18—and the sum of $15,881 60, referred to as a balance of a former appropriation of 1842, which being added makes the sum total of appropriations under this bill, $114,453 24—to meet which there are only $33,732 18 in specie—thereby showing most conclusively that the treasurer, under the provisions of this bill, (without regard to the many small appropriations made in several separate bills) will be compelled to issue and put into circulation previous to the meeting of the next legislature, a sum over $80,000 in treasury notes; and although by the 11th section the collectors are required to receive nothing but gold and silver and treasury warrants issued under the provisions of this bill, in payment of taxes, and they are required by the 12th section to pay over in kind, and yet there is no penalty attached to compel them; and while the warrants must of necessity, under the bill, be issued in amount corresponding with the amount of the claim, the tax payer can derive no advantage from them as a medium in paying his taxes; yet the sheriffs and collectors have no restraint imposed upon them, to pay in kind, consequently they will purchase of this large amount of warrants thrown into market, which in twelve months will have depreciated one half, from the fact, that under the provisions of the bill, as it stands, not one dime in specie will find its way into the treasury. It will readily be discovered, that by the contract of the trtate with the public printers, their claims for printing are subject by the order and arrangement of the bill to be set aside. And that the bare fact of *the inability* of the treasurer to pay them in specie, places it, under the old contract, completely in their power to require double the amount in paper of our State bank or any other *promise to pay*, even should it bear the imposing name of treasury warrant.

In contemplating the object of the General Assembly in the passage of this bill, I have supposed the first was to appropriate a sufficient amount of money to meet the current demands of the State for the next two years. And the second was to amend the revenue law as to reqnire in future the operations of the Government to be based upon a sound currency—thereby to ensure the State officers and public creditors the payment of what was actually promised—and at the same time to render even-handed justice to all, making no invidious distinctions. And finally, to put a stop to speculation upon the taxes, collected from the people, on its way to the treasury. In all but the first, I humbly conceive the bill has wholly failed to accomplish such objects; consequently beg leave to withhold my approval.

THOS. S. DREW.

EXECUTIVE OFFICE,
Little Rock, *Jan.* 9, 1845.

On motion of Mr. Newton the vote taken on yestereay to postpone indefinitely the resolution of the House in relation to the Cherokee difficulties, was reconsidered, and the resolutions taken up and read.

On motion of Mr. Yell the second resolution was stricken out.

Mr. Trimble moved an indefinite postponement of the resolutions, upon which motion,

Mr. Yell called for the yeas and nays which being ordered were yeas 13, nays 10, as follows:

Yeas—Messrs. Bean, Black, Gainer, Mitchell, McKean, Neely, Newton, Reyburn, Rose, Shaw, Stell, Trimble, and Mr. President—13.

Nays—Messrs. Ficklin, Hudson, Irvin, Maxwell, McCamy, Pelham, Rives, Smith, Walker and Yell—10.

So the resolutions were indefinitely postponed.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President—I am instructed to inform your honorable body, that the House of Representatives have receded from their amendment to the substitute of the House to the resolution of the Senate, authorising the Governor to appoint bank receivers, and have adopted the amendment of the Senate to the substitute of the House.

Which is herewith returned.

Mr. Mitchell from the committtee on enrolled bills made the following report:

Mr. President—The committee on enrolled bills have examined a resolution authorising the Judges of the fifth and third judicial circuit to appoint certain officers, and have instructed me to report the same correctly enrolled.

WM. C. MITCHELL, *Chairman.*

On motion of Mr. Bean the Governor's message was taken up and read.

The question "shall the bill pass notwithstanding the Governor's veto," was stated from the chair.

The yeas and nays on the question being ordered they were yeas 16 nays 7, as following:

Yeas—Messrs. Bean, Gainer, Hudson, McCamy, Mitchell, McKean, Neely, Pelham, Reyburn, Rose, Shaw, Smith, Trimble, Walker, Yell and Mr. President—16.

Nays—Messrs. Black, Ficklin, Irvin, Maxwell, Newton, Rives and Stell—7

A message was received from the Governor by Col. L. J. Reardon, informing the Senate that he had ayproved and signed "an act to regulate the action of forcible entry and detainer."

Resolution to have all resolutions passed this session published.

"An act to allow the secretary of State $200 per annum for clerk hire."

"An act to pay the secretary of the Senate and clerk of the House of Representatives."

An act supplementary to "an act to establish a system of common schools in the State of Arkansas."

Mr. Mitchell from the committee on enrolled bills made the following aeport:

Mr. President—The committee on enrolled bills have this day handed to the Governor for his approval a resolution accepting the proposition of John Hutt and wife to convey a certain house and lots in the city of Little Rock.

WM. C. MITCHELL, *Chairman.*

Mr. Mitchell from the committee on enrolled bills made the following report:

Mr. President—The committee on enrolled bills have examined a resolution accepting the proposition of John Hutt and wife to convey to the State of Arkansas a certain house and lots in the city of Little Rock and have instructed me to report the same correctly enrolled. WM. C. MITHELL, *Chairman.*

On motion of Mr. Yell,

The bill from the House to be entitled "an act to collect and disburse the revenue of the State of Arkansas,"

Was taken up and read.

On motion of Mr. Yell,

The whole of the bill was stricken out after the enacting clause.

Mr. Yell then offered a substitute in lieu thereof which was read a first time and adopted.

On motion of Mr. Bean,

The rules were dispensed with and the bill read a second time, and

On motion of Mr. Yell,

The rules were again dispensed with and the bill read a third time.

On motion of Mr. Yell,

The title of the bill was stricken out and the following inserted in lieu thereof, to-wit:

"A bill to be entitled an act supplementary to an act making appropriations for the years 1845, 1846 and part of the year 1844, and for balances due from the State and for other purposes."

Which was adopted.

Mr. Walker offered to amend as follows:

"Amend the 2d section in the 8th line after the words 'auditor of the State,' 'or any other officers authorised to administer oaths.'"

Which was read and adopted:

Mr. Irvin offered the following amendment to the 1st section of the bill, to-wit:

"Out of the specie now in the vaults of the State bank whether there be enough of such specie to pay off the members of the present general assembly or not any provision to the contrary notwithstanding.'

Which was read and rejected.

Mr. Bean moved to strike out "$10,000" in the 1st section of the bill.

Which motion prevailed.

Mr. Yell moved the previous question, which was sustained by the Senate.

The question being on the final passage of the bill,

Mr. Ficklin called for the yeas and nays, which being ordered were yeas 7 nays 14 as follows:

Yeas—Messrs. Bean, McCamy, McKean, Rives, Smith, Walker and Yell—7.

Nays—Messrs. Black, Ficklin, Hudson, Irvin, Maxwell, Mitchell, Neely, Newton, Pelham, Reyburn, Shaw, Stell, Trimble and Mr. President—14.

So the bill was lost.

On motion of Mr. Ficklin the Senate took a recess until 2 o'clock P. M.

The following message was received from the House of Representatives, by S. S. Tucker, esq., clerk.

Mr. President,—I am instructed to inform your honorable body, that the House of Representatives have passed an act supplementary to an act making appropriations for the year 1845, 1846, and part of the year 1844, and for other purposes.

Which is herewith transmitted for the assent of your honorable body.

Which message was taken up and read, and the bill accompanying it read a first time.

On motion of Mr. Maxwell,

The rules were dispensed with and the bill read a second time.

Mr. Newton offered the following amendment, to-wit:

"That the 3d section of this act shall be in force from and after its passage, and all the other sections, from and after the 4th of March, 1845."

Which was read and adopted.

Mr. Trimble moved to amend by adding the following a section 2, to-wit:

Sec. 2. *And be it further enacted,* That if any sheriffs as aforesaid shall receive in payment of taxes any such treasury warrant, he shall, at the time of the receipt thereof, endorse on said warrant the name of the individual from whom the same is received, the time of such receipt and the discount at which the same was received by him, and cause the person to attest said endorsement.

Which was read and adopted.

On motion of Mr. Yell,

The rules were dispensed with and the bill read a third time.

And the question being on the final passage of the bill, as amended,

Mr. Rose called for the yeas and nays, which being ordered were yeas 14 nays 3 as follows:

Yeas—Messrs. Black, Hudson, Irvin, Maxwell, McCamy, Neely Newton, Pelham, Reyburn, Shaw, Stell, Trimble, Walker and Yel—14.

Nays—Messrs. Ficklin, Rives and Rose—3.

So the bill was passed and transmitted to the House of Representives.

A message was received from the Governor by Col. L. J. Reardon informing the Senate that he had approved and signed "a resolution that the property proposed by John Hutt be received in satisfaction of his defalcation.'

Also "a resolution concerning the appointment of financial receiver by the Judges of the 3d and 5th judicial circuit in case of vacancy."

Mr. Walker asked and obtained leave to withdraw from the files of the Senate, a series of resolutions from the House, instructing our Senators in Congress and requesting our Representative to use all means in their power to extinguish the Indian title on our western frontier.

Mr. Black from the select committee appointed to wait on his excellency the Governor, and inform him that the present General Assembly were about to close their labors and adjourn, and ascertain whether he had any further communication to make to this General Assembly, made the following report:

Mr. President—The committee appointed to wait on his excellency the Governor, have performed that duty, and are requested to say to your honorable body, that he has no further communications to make, and requests that your committee tender to the Senate his best wishes for your wellfare and happiness, and a safe return to your families and homes.

Wm. BLACK,
D. MAXWELL,
MARK BEAN,
Committee.

On motion of Mr. Maxwell the Senate took a recess until 6 o'clock P. M.

At 6 o'clock, P. M., the Senate convened.

On motion of Mr. Yell, the Senate adjourned *sine die.*

JOHN WILLIAMSON, *President of the Senate.*

J. Marion Ross, *Secretary of the Senate.*

APPENDIX

TO THE

JOURNAL OF THE SENATE.

RESOLUTIONS OF REFERENCE.

Resolved, That the petition of Ambrose H. Sevier, of the county of Jefferson, in the State of Arkansas, be spread upon the journals of House of Representatives, and that said petition, together with the report, testimony, and documents to which it refers, be referred to a joint select committee of the Senate and House of Representatives, of the same number as made the report of which said petitioner complains.

Resolved, That said committee have power to send for persons, and papers, and said committee be, and they are hereby, directed to investigate the conduct of said petitioner, in the matters and things to which said report refers, and report the result of the same to this House, with as little delay as possible, to a full and fair investigation of the subject, with the suitable remedy (if any should be found to be due) for the grievance of which said petitioner complains.

Resolved, *further*, That a copy of the said petition, and of these resolutions, be sent to the Senate for its concurrence, with the request that the Senate, on its part, may appoint a committee to act jointly with the committee of this House upon the subject to which said petition refers.

PETITION OF THE HON. AMBROSE H. SEVIER.

To the Senate and House of Representatives,
of the Legislature of the State of Arkansas:

Your petititioner, Ambrose H. Senier, recently a citizen of Chicot and now of Jefferson county, in the State of Arkansas, respectfully represents to your honorable bodies, that in the House of Representatives, at the last session of the legislature of Arkansas—to-wit: on Friday, the 9th of November, 1842, an inquiry was instituted, on the motion of Mr. Gibson, the then member from the connty of Hot Spring, into the conduct of your petitioner, as one of the agents of the Real Estate bank of the State of Arkansas, in the disposition of sundry bonds belonging to said bank, and of the funds arising from such sale, &c., &c.

Your petitioner further represents to your honorable bodies, that the committee having charge of the subject were directed to report, and did report upon the aforesaid subject, prior to the day designated by your honorable bodies for the election of a Senator to the Congress of the United States from the State of Arkansas; and this report fully and completely exonerated your petitioner from all blame in the aforesaid negotiation and disposition of the funds arising from such negotiation. Your petitioner would further represent, that, after the aforesaid reports were made, he was elected a Senator to the Congress of the United States, from the State of Arkansas, and, immediately after, left Little Rock for the city of Washington; and was there, for weeks, ignorant of the proceedings of the legislature aforesaid, and did not know, until the whole subject had been disposed of, that a further investigation had been had into his conduct as agent of the bank, and that a report upon such further investigation had been made to the House of Representatives, and adopted by that honorable body, by a majority of six votes, reflecting upon his integrity as a man, his fidelity as an agent, and attributing to that cause, in part, the downfall of the Real Estate bank. Your petitioner would further represent, that the report aforesaid, in many other respects, in consequence of its statements being garbled and incomplete, does him, in his conception, very great injustice, and is but too well calculated to create, in the public mind, a false impression greatly to the injury of your petitioner.

Having the constitutional right, as a citizen of the State, (and having had no previous opportunity to do so) to petition respectfully your honorable boeies, for a redress of any grievance your petitioner may have received at the hands either of yourselves or in your honorable predecessors, your petitioner would respectfully ask of your honorable bodies to refer the report aforesaid, which is to be found in the journals of the House of Representatives, of the last session of the legislature, on page 76 of the appendix, together with all the testimony and documents thereunto appended, to a committee, with power to send for persons and papers, in order that *the truth, the whole truth, and nothing but the truth*, in regard to this agency, may be ascertained, and that full and complete justice may be done between him and the authors and endorsers of that report.

And should the facts in this re-investion be found to be as your petitioner firmly believes they will be, he owes it to himself, to his family and friends, and to his country, to ask of your honorable bodies *(the form, to him, being wholly immaterial,)* that redress to which your honorable bodies may consider your petitioner entitled. And, as in duty bound, your petitioner will ever pray.

Respectfully, your ob't serv't,

A. H. SEVIER.

REPORT

OF THE JOINT SELECT COMMITTEE OF THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS, UPON THE PETITION OF AMBROSE H. SEVIER.

Mr. Speaker—The joint select committee to whom was referred the resolutions of Albert Rust, requiring a re-investigation of the charges against the Hon. A. H. Sevier, at the last session of the legislature, and also the petition of said Sevier, praying a redress of grievances, if it shall be found that said charges have done him injustice, have had that subject under consideration, and would respectfully beg leave to submit the following as the result of their investigation.

The committee, on examining this subject, find that the legislature, in 1836, chartered the Real Estate bank of the State of Arkansas; and, for the purpose of enabling the bank to raise capital, on which to commence operations, authorized the central board of directors to receive bonds of the State, from the Governor, and to appoint two commissioners to negotiate and effect a sale of the same. That the central board appointed T. T. Williamson and H. F. Walworth as said commissioners; upon said Walworth's refusal to serve, the board then appointed A. H. Sevier in his place while at the city of Washington, without his knowledge; but being informed of his appointment, he consented to serve, and soon, thereafter, as he was released from his official duties as Senator in Congress, he, with T. T. Williamson, proceeded to the discharge of the trust thus imposed upon him.

On their arrival in the city of New York, these commissioners found it indispensably necessary, in order to effect an advantageous sale of the bonds, to employ a broker. With this view, they employed W. W. Corcoran, a broker and a man of high standing and unquestionable integrity, to sell to the secretary of the treasury five hundred State bonds, for the Smithsonian legacy, and to invest a portion of the proceeds of said bonds in bills of exchange and other funds upon banks in the south and west.

For this service the commissioners agreed to pay Corcoran one per cent. upon the amount so invested. And upon making said sale and investment, Corcoran swears that the commissioners paid him, according to contract, $5,000, or one per cent., and no more. He farther swears that he made the sale upon the most advantageous terms practicable for the bank, that the exhibit marked A. also B. is a correct table of the investment, and that every cent of money thus obtained was paid over to the commissioners in the city of New York, on the 19th day of September, 1838. Sevier then immediately departed for the west with the sum of $280,754 22, and the memorandum of Ashley for $2,000, of Reardon $1,000, and Dawson $2,050; leaving the remainder With T. T. Williamson, except the sum of five thousand dollars, which was paid to Corcoran the broker.

Sevier arrived at Louisville, Ky., and there turned over to A. H. Davies, president of the Real Estate bank, the amount aforesaid, and took the receipt of Davies for the same. (See the table marked D.)

According to the testimony of the Hon. Chester Ashley, the aid of a broker was indispensably necessary to effect an advantageous sale of the bonds; and he and Mr. Bertrand contracted to give Mr. Delafield one per cent. to effect a sale of the thousand bonds entrusted to them by the State bank of the State of Arkansas, and a sale without the intervention of a broker was wholly accidental at that time in New York; for there were then in the city large quantities of bonds, on State stocks, for sale, and the advantageous sale, made by Sevier and Williamson, through their broker Corcoran, to the secretary of the treasury, raised the value and gave character to the remainder of the bonds of the State of Arkansas, and was the means of enabling Ashley and Bertrand to sell the thousand bonds for the State bank entrusted to their disposal, and enabled the commissioners, themselves, to sell the other thousand bonds, for the Real Estate bank, entrusted to them, to J. D. Beers, president of the North American Trust and Banking Company. The commissioners left this million of money, in New York, subject to the order of the Real Estate bank. (See Newton's testimony.)

Of the five hundred bonds, sold to the secretary of the treasury, it appears from exhibit A. that the sum of $280,754 22 was by Corcoran converted into southern and western funds, at various rates of exchange, making the amount so invested equal to the sum of $290,084 90 or an advance of at least $9,330 68. And Thomas B. Lee, a citizen of New Orleans, then in the city of New York, under the direction of Williamson, invested the farther sum of $179,005 67, in southern and western funds, which is equal to the sum of $186,777 75, or an advance of $7,772 06. (See the table marked C.)

The majority of the committee, on the resolutions of Mr. Field, made a report at the last session of the legislature, (which report is now submitted to us for re-investigation,) took exceptions to the foregoing proceeding of the commissioners, and charged them with acting beyond the letter and spirit of their instructions. In order to understand fully, and duly estimate the character and force of the imputations upon the commisioners, conveyed in these charges, it is necessary and proper to examine the instructions of the bank, by which the commissioners were to be governed. In a letter, dated Little Rock, February the 20th, 1838, signed by A. H. Davies, president of the bank, and directed to Messrs. T. T. Williamson and A. H. Sevier; informing them of their duties as commissioners, we find the following language:

"In conclusion, I will add that should the prospects of things look gloomy on your arrival in New York, and the prospect for sale doubtful, do not too soon despair, but wait for time to bring about a more favorable period. Our wants at home, you are aware, are great, and greater at this time than we shall feel again for years; and it is with no ordinary hope and suspense that this whole community will await the result of your mission. You, of course, will leave nothing undone to effect its favorable issue. It is necessary, however, that an eye should closely watch the standing, the interest and credit of the

State; and unless sales can be made on terms as favorable by the State of Arkansas, as is made with other young States, great care should be taken to frame the contracts for a sale of our bonds now, in such a manner as will preserve our credit, and not interfere with the sale of our remaining five per cents., by taking instalments, dividing the profits of the exchanges or some other method, which throws over the transaction a contingency to protect us. Of these things, however, you must be the judges; being on the spot, you must necessarily know better than ourselves, and with every confidence in your ability, your prudence and discretion, you are left to follow the dictates of your own judgments, and, in all things, to act and to do as may seem to you, at the time, most meet and proper." (See exhibit marked H.)

Would it have been necessary to make the instructions broader, to have enabled the commissioners to act according to their own judgments? And if they had been so unfortunate as to commit an error, would not those instructions have been a sufficient warrant to excuse them, if they had acted in good faith? But in this case, the commissioners need no justification whatever; for in all their acts, thus far, we find them acting with ablity and fidelity for the interest of the bank. They acted within the bounds of their instructions, when they sold the thousend bonds to J. D. Beers, president of the North American Trust and Banking Company, and left the same in the city of New York, subject to the order of the Real Estate bank. They acted within the bounds of their instructions, when they invested the proceeds of the sale of the five hundred bonds in southern and western funds; because they hereby facilitated the operation, and promoted the interest, of the bank. This was the opinion of A. H. Davies, president of the bank, in this report made to the legislature in the year 1838.

They acted within their instructions when, by their services, they not only promoted the interest of the bank by facilitating its operations, but realized, by their investment, a profit to the bank of upwards of seventeen thousand dollars, or according to the opinion of Davies, about twenty thousand dollars. They not only fulfilled their instructions in making such negotiations as to preserve the credit of the State, but the sale to the secretary of the treasury raised the character and value of all the bonds in which the State of Arkansas was interested; it enabled Ashley and Bertrand to dispose of the thousand State bonds entrusted to them; and it enabled the commissioners, themselves, to sell the other thousand bonds belonging to the Real Estate bank, to J. D. Beers, as before stated. From the foregoing if it be not evident that the commissioners acted within the bounds of their instructions, we will extract, farther, from the instructions given bv Davies as President of the bank, viz., Little Rock, June the 6th, 1838—"The words *receive not less than par value*, will, in the opinion of the board of directors, fully authorize a sale at less than par value abroad, if the sale expresses to receive par value at home, and the bank realizes not less than par value from the proceeds of the sale in specie or its equivalent." And in conclusion of said instructions, Davies uses the following language—"As heretofore, you are again left to exercise your own discretion and judgment, in all things connected with your mission, and with a hope that it may early terminate favorably." (See exhibit marked I.) With this information before the committee, at the last session of the legislature, (and they had no right to make the charge of transcending the bounds of their instructions unless they knew what the instructions were,) we are at a loss to see how the majority of that committee could have come to the conclusion that the commissioners had not acted within the legitimate scope of their instructions; for, thus far, we see no violation of them in any particular.

With the above facts, and the testimony of Ashley and Dr. Laurie in view, would any unprejudiced sane man, come to the conclusion that the compensation given to the broker Corcoran was unnecessary or extravagant? See his testimony

And the compensation given to Sevier for his services as commissioner, was $2,000. This, according to the testimony of Ashley and Newton, was not extravagant, and for the great responsibility, risk, and trouble which he underwent in this business, it was certainly nothing but what was reasonable and right.

Upon the amount of funds upon the southern and western banks the Real Estate bank was enabled to realize, and did receive more than par value. And to prove that it was not to the interest of the bank to have had her capital within the vaults of the bank, see the testimony of Field, Roane and Faulkner.

It appears from the testimony of Mr. Woodruff, herewith submitted, that the southern and western banks resumed specie payments on the first day of January, 1839, and continued to pay specie until *

* * * * * *

Then the bank had ample opportunity to have obtained all her southern and western funds, with the advance aforesaid, if she had desired so to do; and if she failed to avail herself of that opportunity, and there was some loss upon a small amount of Mississippi money it was certainly not the fault of the commissioners. For they had placed her capital convenient to her, and at points suitable to her operations, without loss, cost, or insurance, and this was certainly all that ought to have been expected of them.

The committee also find, from testimony, that A. H. Sevier became a subscriber for stock, in the Real Estate bank, on the 16th day of September, 1837; that his mortgage, to secure the same, was executed to the bank, prior to September, 1837; that the land so morgaged was valued at the sum of $32,200; and that he exercised all the privileges of a stockholder in said bank, until 1841; when he transferred said stock to Joel Johnson, with the consent of the bank. (See Newton's testimony.)

The contract between Sevier and the bank was consummated when he became a stockholder, in accordance with the provisions of the charter, and the legal effect of it was, that he became creditor, and the Real Estate bank his debtor, in the full sum of fifteen thousand dollars, equal to one half the value of the land so mortgaged. The contract thus made was bindiug on both parties, and could not be affected or impaired by any subsequent action of the board of directors, without violating a constitutional provision.

Under this contract, when Sevier turned over the southern and western funds to Davies, at Louisville, as already spoken of, he retained the sum of $14,300. The majority of the committee of the last session of the legislature, concluded that he had no right to do this; and one of the grounds of their conclusion was, that he had not perfected his stock. Upon this point we would remark that if he had, and exercised, the privilege of a stockholder, as (according to the testimony he had) the mere form of perfecting his title was unnecessary, in order to give him the right to the sum of money aforesaid.

If the committee, in their vigilance, had turned to the pamphlet acts of 1836, page 185, they would there have found an act, passed in aid of titles, giving the persons, to whom a land-office certificate had been given, the power to mortgage the lands, mentioned in the certificate, for stock in the Real Estate bank, in as full and ample a manner, as if the land called for in his certificate was patented; and further providing, that the certificate of the register and receiver in whose district the land lies, should be given, stating their belief as to whether the same would be patented. Hence, we contend, that the mere perfecting of the title to stock did not affect the contract between Sevier and the bank; but we here deem it proper to state, that the failure of Sevier to perfect his stock, was not because his right to the lands mortgaged was questioned; but because of the incompetency of judges Baker and Johnson to sit as judges, and render decrees in the circuit court of Chicot county. See the testimony of Johnson and Baker.

Then it is clear from the above facts, and the acts of the legislature, that Sevier was a stockholder.

The 17th section of the charter of the Real Estate bank, provides, that "each and every stockholder shall be entitled to a credit equal to one half of the total amount of his stocks."

It then appears, that Sevier and the bank stood in all the relations of debtor and creditor, and ought to have been governed by the same law that regulates contracts between debtor and creditor.

There is no principle in civil jurisprudence more generally recognized, or better settled, than that the creditor possesses the right of retaining the money of the debtor in his hands. It is a principle acted on by all classes in the community, and the justice of the practice is as unquestionable as its legality. If the debtor is honest and correct in his dealing, he will not object, because, it is presumed that it is precisely what he would do himself; and if he is unwilling to pay—it furnishes the strongest reason for making the appropriation. The directors and president of the Real Estate bank well knew and recognized this principle of justice, and it is more than likely, that it never would bave been questioned, but for the very vigilant committee of the last session of the legislature. The attorney who collects money for his client, is authorized to retain the compensation for his services; and we would ask what reasonable man ever thought of denouncing it as a breach of trust, or in any way wrong? What man would be listened to, who had malice or folly enough to make the charge? On what ground is the retainer authorized? Obviously because there is a debt due from the client to the attorney, and an implied promise to pay it. We have no fears in asserting that there is no substantial difference between these common cases, and the retention of the stock money by Sevier. In fact he occupies the most solid ground, because, the provision of the charter allowing him an amount equal to one-half of the amount of his stocks, is of an absolute character, and about which there can be no controversy.

And to make the matter still plainer, let it be constantly borne in mind that one million five hundred thousand dollars' worth of bonds had been sold for the benefit of the Real Estate bank. Col. Sevier was a regular stockholder, and, as such, was entitled to fifteen thousand dollars. A portion of the funds of the bank, consisting of exchanges, was in his hands. He was well aware that it was the object of the bank to sell her exchanges at a fair price, as well to him as to any other stockholder. He therefore retained his stock money in exchanges, equivalent to specie, paid the bank the rate of premium required, which is found to have been two and one-half per cent., paid interest in advance from the time he retained the money, and in addition to his mortgage, gave a good stock note with good personal security; and in fact the whole matter was adjusted to the entire satisfaction of the bank; and no word of complaint was heard, until the session of the legislature in 1842. (See Newton's testimony.)

Other stockholders applied for their stock money directly to the bank. They received it in exchanges on commercial points, if they desired it, by paying the interest and premium, and giving a similar note. If they wanted specie at this point, they obtained it. If they chose to receive the notes of the bank, they could have received them and then drawn specie on presentation of the notes at the counter.

In view of this state of the case, as much real objection could be made against the stockholders as against Sevier, for they received the same kind of funds. The only difference is an immaterial one, consisting in this, that, with them, the money passed through the hands of the cashier of the bank in payment of a debt, while with him it was retained, for a like purpose, without that ceremony. In neither case could the board of directors rightfully define what amount of stock money each stockholder should receive, because that matter had been previously regulated and fixed by the charter. Nor had they the right to designate the kind of funds the stockholder should receive; the contract once being made, nothing could be a legal tender but the constitutional currency.

And it further appears, from the testimony, that the retention of the $14,300 by Sevier gave him no advantage over the other stockholders. (See testimony of Roane and Faulkner.) That it did not deprive them of any right they were entitled to is evident from the fact that every stockholder, who desired it, obtained the full amount to which he was entitled by the charter, and that too in specie or its equivalent.

It is proper in this place to remark, that, in the report of the majority of the committee to the last legislature, there seems to be a studied silence with regard to the sale of the one thousand bonds sold to J. D. Beers, made by Sevier and Williamson, as commissioners fo the bank. This was no trifling omission of a fact necessary to be shown. It was vital in its character and imparted plausibility to the few garbled statements in that report. By keeping it out of view, it was easy to decieve those who were not intimately acquainted with the subject; and it most successfully performed its office. The effect of it was to show; first, that the compensation to the commissioners was extravagant; secondly, that the retention of the $14,300 was more than the proportion to which Sevier was entitled, without being placed in a better situation than other stockholders.

Could it be possible that this omission was accidental? when some of the committee were searching the Real Estate bank for all information on the subject, and not sparing the private correspondence of friends, which it was deemed necessary to make public. To violate the sanctity of private correspondence was without precedent among honorable men; and it is truly hoped that it will be thought unworthy of imitation by any committee hereafter.

The next question that presents itself is, did the bank lose anything by this operation? In answer, we are warranted by the testimony, in stating that, so far from losing a cent, the bank profited on the $14,300, to the amount of two and one-half per cent. premium, which was $337 50, paid by Sevier to the bank, and the interest.

The bank saved precisely the latter sum in the same way that it would have done, if Sevier had deposited it in specie, subject to the order of the bank, as some contend he should have done. He could have drawn that sum in specie as his stock money, and the bank would have been obliged to pay the cost of transportion and risk from New York to this place, which would have been two and one-half per cent. It is clear, therefore, that the bank was benefitted in two ways: first, by obtaining the premium demanded on the exchange; and secondly, by saving the cost of transportation; both of which would have amounted to seven hundred and fifteen dollars.

It has been gravely urged by some, that he had no right to take the capital of the bank, either at home or abroad.

What is the capital of the bank? We answer, it was the money derived from the sale of the bonds, and with which the bank was put into operation. If there was any other money means, we have no knowledge of the source from which it was obtained. To declare that the capital of the bank could not be paid to the stockholders on their accounts, is equal to saying they ought not to have been paid at all.—In other words, that repudiation would have been right. It amounts to this, because the capital derived from the disposition of the bonds was all the money belonging to the bank, with which it had to comply with the requisitions of the charter. If the stockholders ought to have been paid in the notes of the bank, the notes could and probably would have been returned immediately by the stockholders, and redeemed out of that very capital; and thus, all admit that they could have done this indirectly. And if they could have done it indirectly, why not do it directly?

But, to contend that the stockholders or any other persons could have been compelled to take bank paper on a contract, is at war with the constitution, which provides that nothing is a lawful tender but gold and silver; and no board of directors, court, or legislature can nullify that provision. And to contend, further, that the bank was not bound to redeem the notes paid to the stockholders out of the capital, is in effect declaring a refusal to perform a promise to be lawful and commendable; and effectually to destroy the validity of contracts. Such a doctrine would violate the constitution, introduce and sanction so much bad faith, lead to so many mischievous consequences, overturn so many well settled principles of law, and is so manifestly absurd, that it is hoped no one will hereafter be heard to advance such a doctrine.

The report made at the last session of the legislature, by the majority of the committee, says:—"It is also ascertained from the books of the bank, and evidence before the committee, that A. H. Sevier, at the time he used the $14,300, had awarded to him by the central board, 300 shares of stock in the bank; but had not, nor has he since, perfected his stock." The report does not undertake to say whether the stock was defective, or whether it was so either in form or substance; but merely makes a sweeping charge, without a solitary specification, knowing, perhaps, that where inferences are to be drawn, mankind, by accident or inclination, generally draw the worst. This short passage of that report is another pregnant proof that but half the story was told. When the very books of the bank, to which the committee had access, told the whole, would it not have been more just and magnanimous, instead of having stated that he had not yet perfected the stock, to have told the whole truth, by stating that Sevier had, by the consent of the board, sold his stock to Joel Johnson, and that Joel Johnson had mortgaged lands to the bank, of equal value, to secure it, and that the latter had never drawn a dollar of stock upon it?

Dr. Paley, in his moral philisophy, and Dr. Adam Clark, in his commentaries on the scriptures, lay down the doctrine that he who tells part of a story, which makes a false impression, and leaves the remainder untold, is as guilty of falsehood as if he wilfully misrepresented the whole matter.

In courts of justice, when a witness suppresses or evades the truth, in any important particular, he is deemed unworthy of credit, and his whole story is disbelieved. Upon this principle it is for your honorable body, and a candid community, to determine whether the report alluded to, does not deserve a similar fate.

The report of an investigating committee, especially where the reputation of a fellow-man is at stake, ought to possess the characteristics which Cicero attributes to an honest historian, "That he should not dare to tell a falsehood nor leave a truth untold." If this just and forcible admonition had been observed by the authors of the report alluded to, we should have been relieved of this unpleasant inquiry.

The retention of the $14,300 by Col. Sevier, might alone have been justly vindicated on the simple ground that it was settled to the entire satisfaction of the bank; and that neither the president or any director or stockholder, at that or any subsequent period, ever thought it at all improper, much less a breach of trust.

And if it had been either, or if it had subjected the bank to a loss, is it to be supposed that the directors would have overlooked it? The fact that this transaction was recognized and approved of by the president and directors, the very men whose business it was to detect error and guard the interest of the bank, is the strongest proof to show that there is nothing wrong in the conduct of Col. Sevier. The additional fact that Davies met Sevier at Louisville, received the funds of the bank, and approved of the course of the commissioners, together with a resolution of thanks voted to Davies, was thereby a vote of thanks to the commissioners for the prompt and efficient manner in which they had discharged their duty to the bank; and this was a full and complete sanction of all that Sevier had done, and shows that they did not entertain the most distant idea that he had acted unfaithfully.

The commissioners, while in the city of New York, placed in the hands of Chester Ashley $2000, in the hands of J. L. Dawson $2,050, and in the hands of Lambert Reardon $1000. The receipts of these gentlemen were turned over to Davies at Louisville as cash, all of which amounts were accounted for to the bank, immediately, with interest and premium, to the entire satisfaction of the directors. In the report before referred to, the committee took great exceptions to this transaction of the commissioners. If there was any error here, it is obvious to all, that it was without any wrong intention, for in this they could have no interest. But the question here arises, whether the commissioners had not the right to send the aforesaid money to the State of Arkansas by whomsoever they thought proper, being responsible for the safe delivery of the same? This is so plain a question that it does not admit of discussion. The committee, before referred to, say it was loaned out. Now, if it was loaned out, what right had Sevier to turn the receipts over as cash, to Davies? How was it that Davies received them as cash? and how does it happen that these gentlemen went to the bank for an immediate arrangement of the same? But it is contended that they did not pay the cash down, on their arrival at the bank. It is clearly shown, however, that they arranged the whole matter to the entire satisfaction of the bank, and paid interest and premium on the amount. This shows the responsibility of the agents by whom it was sent; and if the bank saw proper to take their notes, with interest and premium, this was no business of the commissioners. If the commissioners sent the money by responsible agents, without loss or cost to the bank, they certainly discharged their duty. And if these agents paid interest and premium on their respective amounts, (which they certainly did), the commissioners not only fulfilled their duty, but they made the agency a profitable one to the bank. If, then, the sending of the above sums of money operated to the advantage of the bank, and to the disadvantage of no person, we see no just reason why the committee should have been disposed to magnify this into an error or fault of the commissioners. But it appears from the report that the committee were, unfortunately, disposed to find fault. They thought that the allowance to Corcoran was unjust and extravagant. In another part of the report, they find great fault because they could see no direct charge for the services in the conversion of the $500,000 into southern and western funds, although it appears, by Corcoran's testimony, that the sale and conversion was an entire contract, and that the amount paid for services was one per cent.

Because the committee could sse no direct charge for the conversion by the broker, they jumped to the conclusion that the commissioners had some object in view besides the promotion of the interest of the bank, and in a style at once novel, pompous and poetic, unparalleled in any report of the legislature, and it is to be hoped never to be imitated, cast dark insinuations against the character and integrity of the commissioners, when, according to the facts before us, their conduct, in this particular, is as clear as noon-day, and entirely fair.

The committee should have possessed themselves of the facts we now possess, or have omitted these insinuations; for they never should have reported upon a matter of so much importance to the character of a fellow-man, without knowing the facts; for the simple truth in this particular case saves the trouble of all the show and parade of words, and of those unjust and dark insinuations against the commissioners. An omission of facts, and a misconstruction of the testimony they actually possessed, are the most objectionable features to that report.

The testimony of Newton, Rapley and Corcoran, the production of all the checks herewith submitted, and the letters of Jacob Little & Co., clearly show that there was no speculation in the exchanges for southern and western funds, and that Peter Hanger was mistaken, or knew nothing about the amount of discount on southern and western bank paper at the time of the aforesaid investment, in the city of New York. Then we are bound to come to the conclusion that there was not one particle of testimony to sustain the unjust insinuation of speculation.

This is one of those unfortunate cases that the legislature possesses no power to give adequate redress for the unjust prejudices to which the petitioner has been subjected, nor for the mortification endured by himself, his family, kindred and friends. But, inasmuch as we are of opinion that the report made by the majority of the committee at the last session of the legislature, was partial, and their conclusions and deductions, from what testimony they had, were unfair, illiberal, ungenerous and unjust, we recommend the adoption of the following resolution, to wit:

Resolved, That in the opinion of this House, there is nothing in the acts and doings of Col. Sevier, as commissioner for the disposal of the bonds, deserving of blame or censure; but, on the contrary, this

House feel warranted, from a full investigation of the whole matter, in approving of the course pursued by said Sevier, who, in the opinion of this House, acted in good faith, with an eye single to the general interest of the State and the bank; and that the Senate be requested to concur herein.

JAS. YELL, *Chairman.*
ROBERT McCAMY, } OF THE SENATE.
HANS SMITH,
A. G. MAYERS, *Chairman.*
Wm. W. FLOYD,
W. H. SUTTON, } OF THE HOUSE.
Wm. B. MARSHALL,
A. B. GREENWOOD,

I subscribe to the foregoing, reserving the right to except to the style and argument of the same.

J. B. LAMBERT.

DOCUMENTS

ACCOMPANYING THE REPORT—INCLUDING THE TESTIMONY.

The joint select committee raised to act upon the petition of the Hon. A. H. Sevier, and upon the resolution of Mr. Rust, organized, by electing A. Rust, Chairman, and appointed A. B. Greenwood, secretary, and proceeded to business—a quorum being present.

Col. T. W. Newton was sworn to give testimony before the committee, when the following questions were propounded to the witness:

Interrogatory 1st. What time did A. H. Sevier become a subscriber for stock in the Real Estate bank, and what amount did he subscribe for; and when did he execute his mortage to the bank; and what was the value of the land mortgaged; and by whom was the land mortgaged, valued, &c.?

Answer. A. H. Sevier became a subscriber for stock, as appears by the schedule, prior to the 16th day of September, 1837. He subscribed for 300 shares. His mortgnge was executed prior to September, 1837. The value of the land mortgaged, was $32,200.

Int'g. 2d. Did A. H. Sevier exercise the functions of a stockholder of said bank, and continue to do so, until 1841, when he transferred his stock to Joel Johnson, of Chicot county, in the State of Arkansas?

Ans. I believe he did.

In'tg. 3d. What time did the Real Estate bank commence its operations?

Ans. Commenced discounting 10th December, 1838—the bank had previously been organized and business was done by them.

Int'g. 4th. What amount of bonds of the Real Estate bank was sold by A. H. Sevier and Gen. T. T. Williamson?

Ans. Fifteen hundred bonds, of $1,000 each.

Int'g. 5th. How much of the funds of said bonds was converted by A. H. Sevier and Gen. T. T. Williamson jointly, and how much separately by Gen. T. T. Williamson; and what quantity of said proceeds was left in the bank at New York subject to the disposition of said bank, and how much was disposed of by the bank?

Ans. The funds invested by the commissioners, Sevier and Williamson *jointly*, and by Williamson separately, are specified in the accounts reported by the committee to the General Assembly at the session of 1842, and are to be found in appendix to House journal, pages 87, 88, 89, 90, 91, 92 and 93. The proceeds of one million was left on deposite in the North American Trust and Banking Company and was drawn from time to time by the bank.

Int'g. 6th. Did all of the stockholders of said bank, who desired it, receive out of the proceeds of the bonds sold by A. H. Sevier and Gen. T. T. Williamson, the full amount of their stock?

Ans. The notes of stockholders, when presented under the rules of the board, were discounted for the amount to which they were entitled under the charter, which was one-half of the stock secured.

Int'g. 7th. Were all the bonds belonging to the bank, except the 500 which was subsequently disposed of by Messrs. Harris, Drennen and Witter, for the purpose of putting the Van Buren branch of the Real Estate bank in operation, and the thirty sold by the bank to Col. Johnson, disposed of by A. H. Sevier and Gen. T. T. Williamson?

Ans. They were.

Int'g. 8th. Was A. H. Sevier ever at any time a director of the Real Estate bank or any of its branches?

Ans. No.

Int'g. 9th. Were you clerk or cashier of the Real Estate bank, at Little Rock, from its commencement to its close as a banking institution?

Ans. I was first a clerk and afterwards cashier, from the 2d December, 1838.

Int'g. 10th. Was A. H. Sevier present, or was he absent at the city of Washington, at the time of the settlement of the accounts of Messrs. Sevier and Williamson as bank agents, in the month of Dec., 1838?

Ans. Col. Sevier was, at the time referred to, I believe, in Washington city.

Int'g. 11th. Was the allowance of $2,000 to A. H. Sevier, as his compensation for the sale of one and a half millions of dollars of the bonds of the bank, a voluntary act on the part of the directors; and was it, in your opinion, a reasonable or extravagant allowance; and was it known at that time that he (Sevier) and his associate (Williamson) had paid to Corcoran, a broker, for the services he rendered to the commissioners, the sum of five thousand dollars?

Ans. The allowance of $2,000 to A. H. Sevier, as commissioner, was made by the directors in his absence, and I therefore presume it was a voluntary act on their part; and they knew of the payment to Corcoran, as it was included in the account. I have never looked upon the sum of $2,000 as extravagant, unconnected with the compensation to Corcoran, about which I have no opinion to give.

In't. 12th. Have all the agents of the bank received a compensation for their services, and, if so, what amounts have been allowed by the bank, to Harris, Drennen and Witter, for selling five hundred bonds?

Ans. The amount allowed to Harris, Drennen and Witter, for disposing of the 500 bonds, is as follows: C. A. Harris, for his expenses $360 25; to John Drennen, $1,000; and to D. T. Witter, $1,000.

Int'g. 13th. Were the accounts and tables which are printed in the appendix of the journal of the last legislature, and which are now before the committee, laid before the bank, and filed and recorded in December, 1838, in the bank, and were they at all times accessible to the directory and stockholders and officers of the bank?

Ans. They were.

Int'g. 14th. Was there at the time, or has there been since, any dissatisfaction expressed, on the part of any of the stockholders or directors, with those accounts or tables, and if so, please state by whom?

Ans. I have never heard the subject talked about in the bank among the directory or the stockholders.

Int'g. 15th. Did Ashley and Reardon, and Dawson and Hanger, each of whom received of the commissioners *jointly* or separately, certain sums of the money of the bank in New York, in the autumn of 1838, settle satisfactorily to the bank, for each of those respective sums of money, and pay to the bank interest upon the same from the time of its receipt to its payment, together with the rate of exchange which the bank required for it?

Ans. The several sums of money were all settled to the satisfaction of the bank, and, I believe, in each instance, interest and exchange were added.

Int'g. 16th. Was the bank injured or benefitted by the loans referred to in the 4th interrogatory; and did the commissioners, in any respect, profit by them?

Ans. I do not think the bank was injurred by the loans to Ashley and Reardon, Dawson and Hanger, and I do not believe the commissioners were profitted by them.

Int'g. 17th. Was the retention by A. H. Sevier of $14,300 on his stock account, approved of by the bank at the time of its commencement, or was it a matter of censure by the board, and is there any thing on the books of the bank expressing censure or disapprobation?

Ans. The retention of the money spoken of in the question, was not a matter of censure in the bank, so far as I know, and there is nothing in the books of the bank expressing consure or disapprobation.

Int'g 18th. Was A. H. Sevier absent from Little Rock, in December, 1838, when the bank went into operation, and did he, on his return from Washington to Little Rock, in the spring of 1839, close his stock account for $14,300, by executing his note, with approved security, in conformity to the established rule of the bank; and in that note did he (Sevier) include interest from the time of the receipt of that money up to the day of the execution of his note, together with the same rate of exchange that the bank charged to all others who received New York funds of the bank?

Ans. I believe Col. Sevier was absent from Little Rock at the time specified. In answer to the remainder of the question, I copy the following order from the minutes of the central board, dated 11th May, 1839, viz:

"*Ordered*, That the note of A. H. Sevier, dated this day, with Benjamin Johnson and Robt. W. Johnson as securities, having nine months to run from the 15th December, 1838, for the sum of $15,831 38, be discounted, the nett proceeds, amounting to $14,872, being intended to cover the balance remaining in the hands of said Sevier, as one of the commissioners to sell State bonds, as shown by the account of said commissioners and of the finance committee, which amount includes the same rate of interest and exchange that the bank charged to others."

Int'g. 19th. When the branch banks went into operation, was the note of A. H. Sevier transferred to the Chicot branch of the Real Estate bank, of which county he was then a citizen, as were the notes of other stockholders and debtors, who reside in that county as a part of the funds of said bank?

Ans. It was transferred to the branch at Columbia.

Int'g. 20th. What time did A. H. Sevier sell his stock to Joel Johnson?

Ans. His transfer to Joel Johnson is dated 23d February, 1841.

Int'g. 21st. Was the land which had been previously mortgaged to the bank, released from said mortgage by the bank, and did Joel Johnson substitute a tract of his own land in lieu, and was this arrangement satisfactory to the bank?

Ans. On the 6th April, 1841, the board of directors at Columbia received the lands of Joel Johnson in lieu of those previously mortgaged by Col. Sevier to secure his stock, and this was satisfactory to the bank.

Int'g. 22d. When Sevier sold out his stock to Joel Johnson, in 1841, how was his stock debt and his other liabilities to the Chicot bank secured?

Ans. They were secured by a deed of trust on 1,164 acres of land and 27 negroes, which deed is dated 6th April, 1841.

Int'g. 23d. Was the security for this debt to the bank deemed ample at the time, and is it still so considered?

Ans. The security was approved by the board at Columbia on 6th April, 1841, and I believe has always been, and is now, considered sufficient.

Int'g. 24th. What kind of funds did the stockholders receive of the bank on their stock account? Had they the option of receiving it in the notes of the bank, or in specie, or in checks upon New York, New Orleans, Natchez, Louisville or Cincinnati, by paying such premiums for their checks, as the bank required? And did any of the stockholders receive, on their account, any of such funds?

Ans. While the bank was paying specie, the stockholders received the notes of specie paying banks, or exchange on the points mentioned, by paying the usual rates.

Int'g. 25th. Did every stockholder of the bank, who desired it, receive of the bank precisely such funds as A. H. Sevier received, and did he (Sevier) pay the same rate of exchange that all others paid for such funds?

Ans. As I have stated in my last answer, they received specie or exchange when the bank was paying specie, and Col. Sevier paid the same rate of exchange that others paid.

Int'g. 26th. At the time of the settlement of A. H. Sevier of his agency as a commissioner of the Real Lstate bank, or at any time prior to the meeting of the last legislature, which was in 1842, or four years after his agency had ceased, had there been any charge against him by any stockholder, or director, or officer of the bank, that he had been guilty of a breach of trust, or had violated his instructions as agent of the bank, or had conducted his agency in a bungling, unskilful and unfaithful manner, or through his instrumentality as agent of the bank, had contributed to its overthrow, and if so, by whom said charge was made, and when?

Ans. I do not recollect of having heard any charge made against Col. Sevier in regard to his transactions as bank commissioner previous to the session of the General Assembly in 1842.

Int'g 27th. Was the sale of the bonds of the bank, the conversion of a portion of the proceeds of said sale into southern and western funds, and the acts of A. H. Sevier as agent in regard to the whole matter, approved of by the bank at the time; and have any of the stockholders or directors complained of it since, or censured it, and if so, who of them?

Ans. I do not remember to have heard the conversion of the money in New York into southern and western funds, complained of by any one prior to 1842, and to my knowledge, it was never made a matter of discussion in the board of directors, or by the stockholders.

Int'g. 28th. What was the average rate of discount upon Arkansas money in New Orleans, Louisville, Cincinnati, and the eastern cities, at the time the Arkansas banks paid specie?

Ans. I think about ten per cent.

Int'g. 29th. Did the bank receive at par the bills of specie paying banks of the south and west during its existence as a specie paying bank?

Ans. Such bills were received on deposite, and paid out in kind.

Int'g 30th. Did the bank sell its exchange for such funds, and did it discount notes and bills of individuals, and pay out its exchanges, adding the rate of exchange upon it?

Ans. No. It sold its exchanges for its own notes or specie, the State bank notes being taken at par. In many instances, notes and bills discounted were paid in exchanges at the usual rates.

Int'g. 31st. What was the average proportion of notes of the bank, in circulation at the time the bank paid specie, to its specie means?

Ans. Taking the months of May and November, 1839, as the basis of calculation, about dollar for dollar.

Int'g 32d. Were there any runs upon the bank for specie, during the time that the bank paid specie, by the note holders in New Orleans, Louisville, Cincinnati, &c., and traders in the State, and brokers and merchants, &c., &c.? Did the specie diminish or increase, so long as the bank had funds in New Orleans, New York, &c., to draw upon?

Ans. There were frequent demands upon the bank for specie by all classes of note holders. The specie did not increase in proportion as the exchanges diminished, the notes of the bank being constantly returned upon her; for example, from May to November, 1839, the circulation decreased nearly ninety-five thousand dollars, the specie upwards of $21,000, and the exchanges nearly $170,000.

Int'g. 33d. Was the bank injured or benefitted by having her specie means in the commercial cities out of the State subject to her order, instead of having it in the vaults of her banks at home?

Ans. She certainly was not benefitted in her general credit or standing. The specie actually in the vaults of the bank is considered the safest fund to make issues of bank notes upon, payable on demand. Large holders of notes might prefer exchange even at an advance—small holders generally desire to have the specie at the counter of the bank. The fact that the Real Estate bank commenced her issues on the *paper* and *credit* of distant banks, was, in my opinion, injurious to her stability.

Int'g. 34th. Did the bank lose or gain by the exchanges made by the commissioners, of the eastern funds of the bank, into southern and western bank paper, and how much either way?

Ans. The gain to the bank, is exhibited in the tables appended to the report of the committee to the last legislature.

Int'g. By the tables and report of the committee of the last legislature, it appears that a profit of over nine thousand dollars, was made by the commissioners, on the conversion of two hundred and seventy thousand dollars, by Corcoran, for said commissioners, of the New York funds into southern and western bank paper; was that the *only* profit made by that transaction?

Ans. A portion of the funds received from the commissioners by Mr. Davies, was deposited by him in Cincinnati and Louisville, and afterwards drawn upon by the bank, at an advance on Arkansas money.

Int'g 35th. At what time in 1839, did the Real Estate bank suspend specie payment, and why did the bank suspend?

Ans. The bank at Little Rock suspended on the 2d day of November, 1839, and the reason, as stated by the directory, on the minutes, was the suspension of the banks of the adjoining States.

Int'g. 36th. Did the banks in the south and west of Arkansas, and upon which the Real Estate bank had notes and checks, pay specie at the time the Real Estate bank commenced, in December, 1838, and how long did they continue to do so?

Ans. My recollection of the matter is, that the southern and western banks were in a state of suspension, at the time the Real Estate bank went into operation, and so continued, until the spring of 1839, a partial resumption then took place, which lasted until Sept. or October, of that year, when a general suspension again took place.

Int'g. 37th. Did the Real Estate bank in Arkansas, during the time that the western and southern banks, upon which it had checks or notes, pay specie, obtain of these banks specie, or its equivalent, for these checks or notes, and if not, why was it not done, and if any of these checks or notes were not paid, during that time, what is the amount of these checks or notes, of whom were they received, and by what banks are they due, and to which of the banks of Arkansas?

Ans. No specie was obtained on them within my knowledge—none of the checks are on hand.

Int'g. 38th. Were not the checks and notes which were obtained for the Real Estate bank, upon the south and west, upon commercial and convenient points, and upon navigable rivers within a few days travel of Little Rock, and were not these funds of the bank transferred from these points without loss, or any charge to the bank for freight, commission or insurance?

Ans. They were upon commercial points, easy of access by water, from Little Rock, and the funds, I believe, were transferred from New York to these points without loss or charge of freight, &c.; &c.

Int'g. 39th. Has the Real Estate bank, or any of its branches at this time, or had they at the meeting of the legislature, in 1842, any of the notes or checks, which were received of A. H. Sevier by the president of the bank at Louisville, Ky., in October, 1838, for, and on account of the Real Estate bank, and if so, which one, and what amount, and upon what bank?

Ans. There was a small amount of Mississippi money on hand at Helena, in 1842, and the same is still on hand, and I was under the impression that it was a part of the money received from the commissioners, but of this, I have no certain knowledge. None of the checks are on hand at any of the offices.

Int'g. 40th. In answer to an interrogatory of the committee at the last session of the legislature, you state, that the conversion of the eastern into southern and western funds, operated *undoubtedly* to the reverse of the interests of the bank. This answer appears to have been *italicised*—was it *italicised* by yourself, or by the bank committee, or by the printer?

Ans. I cannot say certainly, that I did not *italicise* the words, but my impression now is, that I did not. I therefore cannot say by whom it was done.

Int'g. 41st. You do not state the grounds of your opinion upon the subject of the conversion of those funds. Will you state upon what ground your opinion was founded, and whether the directory were of the same opinion upon the subject of this conversion, and if so, please to state why the million of money which was left in New York, subject to the order of the bank by the commissioners was not brought to Arkansas in specie, and if deemed injurious to the bank, why was that million drawn for by the bank in the ordinary mode?

Ans. The grounds of my opinion in relation to the conversion of the funds, are briefly given in response to the interrogatory of this investigation. What opinions were held by the directory on the subject, I am unable to state, not having heard any expressed by them, neither am I able to say why they left the whole of the million in New York to be drawn for in the ordinary mode.

Int'g. 42d. In your former examination, you stated that the funds of the bank were loaned out as fast as possible, and that a portion of these funds are on hand yet. Will you state which of the funds were loaned out as fast as possible, and of whom were they received, and if any of these funds were disposed of at less than par value to the bank, and also, what is the amount and description of these funds yet on hand, and by what bank are they held, and of whom were they received?

Ans. I alluded to the funds paid over to the bank by Mr. Davies, as that received by him from the commissioners, and it was loaned out as I have stated, for the simple reason, I presume, that, being upon banks of the south and west which were in a state of suspension, it would have been running some risk to retain it on hand for any length of time. The remainder of the question has been previously answered by me.

Int'g. 43d. Did the president, or any other person for the bank, with the funds received of A. H. Sevier, at Louisville, Ky., in October, 1837, purchase for the bank southern money, and if so, state whom and what amount, and upon what banks, and whether any loss on said operation accrued?

Ans. I have an impression on my mind, that Mr. Davies, or some one for him, did re-invest a part of the funds received from A. H. Sevier, at Louisville, but have no certain knowledge on the subject.

Int'g. 44th. In what character were the acts of A. H. Sevier, as agent in the negotiation of the bonds of the Real Estate bank, considered by the bank, and to which power, the State or the bank, in the matter of the sale of the bonds, &c., was the said Sevier considered accountable and responsible?

Ans. Understanding the question to include myself as an officer of the bank, I depose unhesitatingly, that whilst I have ever viewed the acts of A. H. Sevier, one of the commissioners, in converting the capital of the bank into the notes and checks of the suspended banks, in the south and west, as unwise and improper, and injurious in the highest degree to the credit and stability of the Real Estate bank—I have never for a moment believed that he was actuated in it by impure motives, or that he was individually profitted by the transaction. He was, I suppose, accountable for his acts to the power which appointed him—the bank.

Int'g. 45th. Were his acts as agent throughout, from the beginning to the close, approved of by the bank, and did he receive of the board, directly or indirectly, a vote of thanks in that capacity?

Ans. As I stated on a previous examination, there is no distinct resolution of the board expressing approval of the course pursued by the commissioners. There is a resolution, however, on the 14th May, 1839, which approves of the acts and proceedings of the committee of finance, and of the accounts rendered by it through the chairman, (Mr. Davies) of their management and disposition of the funds of the bank, and also a vote of thanks to Mr. Davies, as president.

Int'g. 46th. Was the vote unanimous?

Ans. It was, with the exception that Messrs. Williamson, Rapley, and Biscoe declined voting on the first, as they had formed a part of the committee of finance. The resolution of thanks to Mr. Davies was unanimous.

Int'g. 47th. Were the stockholders and directors of the Real Estate bank pretty equally divided in their political opinions, and was there at all times, during the existence of the bank, prominent and leading politicians of both of the great parties which divide the country, stockholders and directors in said bank?

Ans. This is a matter that I have never thoroughly investigated. A large majority, however, of the directory of the bank, and of the central board, have belonged to the democratic party. Prominent men of both parties have been in the directory, and are stockholders. I will add, that I have never known any attempt or disposition to make the bank a party machine.

Int'g. 48th. Who composed the committee that drew up the instructions for the commissioners?

Ans. Messrs. Anthony H. Davies, Sam. C. Roane, and Charles Rapley, were appointed such committee.

Int'g. 49th. Were A. H. Davies and Sam. C. Roane in the convention which formed the State constitution, in which constitution provision was made for the Real Estate bank, and were they members of the legislature at which the charter was passed, and were they officers of the bank when they drew up the instructions, and did they continue to be officers of the bank until the commisioners had closed their labors?

Ans. They were members of the convention, and also of the legislature, and they were directors of the bank, and so continued, to the close of the labors of the commissioners.

Int'g. 50th. In the published document, there is a letter dated at Washington city, in March, 1838, to Anthony H. Davies, at Columbia, in Chicot county, from A. H. Sevier. Please to state when that letter was first seen by you, where it was found, and by whom, and when was it filed as a bank document?

Ans. The letter alluded to was first seen by me during the investigation by the committee at the session of 1842; it was found in the bundle with the accounts and papers of the bank finance committee, of which Mr. Davies was chairman; there is an endorsement of the date and name on the back of the letter, in the hand writing of the late cashier, Carey A. Harris, deceased, and I have no doubt the letter was placed in the bundle by Mr. Davies or Mr. Harris, about the time the accounts of the commissioners were settled, and had there remained. Prior to the investigation of the committee in 1842, I had no occasion to look into this bundle of papers; but when the legislature ordered the investigation, I was requested by the trustees of the bank to lay before the committee every book and paper which might throw any light upon the subject. The whole bundle of papers were before the committee, this letter among them, and it was copied by me with the other documents, at the request of the chairman of the committee.

Int'g. 51st. Did the bank, for a considerable time after it commenced operations, deem mortgages upon land held by patent certificates alone, and upon land for which patents had issued, and for which the patentee had given bond to convey to the stockholder who was the purchaser, good and valid, and were there many of the stockholders who held their mortgaged land by said titles?

Ans. I believe such mortgages were considered sufficient by the directory, until some time in 1840. There were, I believe, a good many of the mortgages of the stockholders in this condition.

Int'g. 52d. Was the bank in a state of suspension in 1840, when A. H. Sevier transferred his stock to Joel Johnson?

Ans. It was.

Int'g. 53d. Did Joel Johnson, upon the stock he purchased of A. H. Sevier, receive any money of the bank, and if so, how much?

Ans. Joel Johnson never received any money on the stock purchased of A. H. Sevier.

Sandford C. Faulkner being duly sworn, deposeth and saith:

Int'g. 1st. Were you a director of the branch of the Real Estate bank at Columbia from the commencement of that branch till it ceased to be a banking institution, and if so, state whether it was put in operation with the funds obtained from A. H. Sevier and T. T. Williamson, commissioners who sold the bonds of the Real Estate bank?

Ans. I was a director in the branch of the Real Estate bank at Columbia from the time it commenced operations, and it went into operation upon part of the funds obtained from A. H. Sevier and T. T. Williamson, commisioners who sold the bonds of the Real Estate bank.

Int'g. 2d. Did the branch at Columbia realize par value upon all the funds had of Sevier and Williamson; and was there any loss upon any of it; and did the branch, upon any of it, realize a premium; and if so, state what it was?

Ans. The branch at Columbia received par value for all the funds turned over to it, upon which it commenced operations, with the exception of one hundred and fifty thousand dollars in the Pennsylvania bank of the United States paper, and upon that we obtained a premium of, I think, one per cent.

Int'g. 3d. Is there in the branch at Columbia any of the money had of said commissioners, which the bank has been unable to dispose of; or was there any in 1842; and if so, what kind of money is it, and what is the amount?

Ans. There is not now, neither was there in 1842, any of the money obtained from said commissioners, in the branch at Columbia.

Int'g. 4th. Are you now one of the trustees of the Real Estate bank? and in that capacity do you not know what kind of unavailable funds are on hand, if any, and if so, please to state whether there is, or was in 1842, in any of the branches, or in the mother bank at Little Rock, any of the funds received of A. H. Sevier and T. T. Williamson on hand, and if so, what is the kind and quantity of said funds?

Ans. I do not know of any of said funds on hand, either now or in 1842; I believe there is a small amount of unavailable funds on hand at Helena, but I cannot state how it was obtained, or the kind or quantity.

Int'g. 5th. Do you think the exchange of a portion of the eastern funds into exchanges upon the south and west, operated injuriously or beneficially to the interest of the bank?

Ans. I am of opinion that it operated beneficially.

Int'g. 6th. What time did the bank at Columbia commence operations, and what time did she stop specie payments?

Ans. The branch at Columbia went into operation, to the best of my recollection, in the latter part of February, or first of March, 1838, and I think we stopped specie payments in November or December following.

Int'g. 7th. Were not the funds furnished by said commissioners on banks convenient to Arkansas, and on navigable streams, and within a few days travel by steamboats from Arkansas?

Ans. So far as I know, they were.

Int'g. 8th. Did not the bank charge and receive premiums upon the funds of the bank at those points, and if so, what was the amount of such premiums?

Ans. The bank charged and received premiums upon Cincinnati, Louisville, and New Orleans, but I do not recollect the different amounts of premiums on each of those points.

Int'g. 9th. Did you receive such portion of your stock money as you desired on New Orleans, and on that sum did you pay such premium as the bank required?

Ans. I did. S. C. FAULKNER.

A. E. Thornton being duly sworn, deposeth and saith:

Int'g. 1st. Were you a director of the branch bank of the Real Estate bank at Washington, in 1839, and if so, will you state whether that branch commenced operations on funds which were obtained by A. H. Sevier and T. T. Williamson, for the Real Estate bank, and whether the bank did not realize par value for the same?

Ans. I was a director of said branch bank at Washington during the year 1839, and said branch bank commenced operations on the funds obtained by Col. Sevier and Gen. Williamson, for the Real Estate bank, and that said bank did realize par value for the same.

Int'g. 2d. So far as said branch bank did not draw specie on said funds, did they sell exchange for the balance or discount upon it, at a premium?

Ans. The said branch bank did sell exchange at a premium, for the balance of the funds of said branch bank not drawn in specie; said premium was at the rate of two and a half per cent., as well as I now recollect.

Int'g. 3d. Is there now, or was there then, in 1842, any of that fund undisposed of by that branch of the Real Estate bank; and if so, what amount and what kid of funds?

Ans. I am of opinion that all that fund was disposed of previous to 1842. A. E. THORNTON.

Sam. C. Roane being duly sworn, deposeth and saith:

Int'g. 1st. Were you a member of the committee for drafting instructions to the commissioners who were appointed to sell the Real Estate bank bonds, in 1838? Who acted in drawing the instructions for the commissioners who sold the bonds of the bank? And were you an officer in the bank when the commissioners closed their labors in the fall of 1838?

Ans. 1st. I was an officer of the Real Estate bank in the year 1838. I was one of the committee appointed by the directors of that institution to draft instructions to the commissioders who were entrusted with the sale of the bonds.

2d. Mr. A. H. Davies, the then president of the bank, was the chairman of that committee. Mr. Rapley, I think, was the other member of that committee. Mr. Davies drew up those instructions. So far as I was concerned, I gave my assent to those instructions, and I believe they were approved by the board.

3d. I continued to be director in said bank, but resigned my seat in the central board, and was succeeded by the Hon. B. Johnson.

Int'g. 2d. In that affair, did you or any of the directors consider that in the sale of these bonds, or in the conversion of a portion of the proceeds of said sale into southern or western funds, that said commissioners had exceeded their instructions?

Ans. As far as my recollection now serves me, the directors of that institution were satisfied with the proceedings of the commissioners, nor did I ever hear any dissatisfaction expressed on the subject, until long afterwards.

Int'g. 3d. Did you, at that time, or at any time prior to 1842, hear any thing against the commissioners about a violation of their instructions, or a breach of trust, or of speculation upon the bank, by profits upon the exchanges? And from your knowledge of the affairs of the bank, do you believe that they did either?

Ans. I believe that the first charge that I ever heard against the commsisioners was at or during the session of the legislature in 1842.

I never did, nor do I now, from my knowledge of the circumstances believe that the commissioners speculated on the funds of the bank for their own individual interest.

Int'g. 4th. Do you believe that those exchanges injured the bank, or had they the contrary effect?

Ans. From the mode adopted of doing business in the bank, I never supposed that the exchanges had any injurious effect on said bank. I believe the bank would have broken at any rate.

Int'g. 5th. Do you believe that the money into which the original funds for which the bonds were sold were converted, was loaned out at less interest to less responsible persons, on account of the character of that money?

Ans. All the funds paid over for the use of the bank were sold, as far as my knowledge extends, at a premium. I paid a premium for part of those funds on Louisville, Ky., and on Cincinnati.

SAM. C. ROANE.

William Field being duly sworn, deposeth and saith:

Interrogatory 1st. Were you the president of the State bank in 1838, and have you been an officer ever since in that bank?

Answer. I was president of the State bank in 1838, and continued as such for some years, but during a part of the years 1842 and 1843, I was not an officer in the bank.

Int'g. 2d. What time did the State bank commence operations, and in what kind of funds, and when did the bank first suspend specie payments, and when did it resume and again suspend?

Ans. The principal bank at Little Rock commenced operations on the 8th day of August, 1837, by the issue of 12 months post notes, and some for $5 notes, payable on demand. On the 1st day of January, 1839, the principal bank commenced the payment of specie upon all her issues—she suspended on the 7th day of November, 1839, and resumed again on the 1st day of October, 1840, and continued to redeem her circulation until placed in liquidation by the legislature.

Int'g. 3d. Was there any motion made by any one during the time the bank was drawing for funds, to send to New York for them, and bring them here in specie?

Ans. There never was such a motion made, as far as my recollection serves me.

Int'g. 4th. Would it have been to the interest of the bank to have had the specie brought on, instead of drawing for it?

Ans. It would not.

Int'g. 5th. When did the State bank commissioners, Messrs. Ashley and Bertrand, sell the 6 per cent. bonds; and where and to whom, and how and in what manner, did the bank obtain the proceeds of the sales of said bonds?

Ans. The commissioners, Messrs. Ashley and Bertrand, made a sale of the 6 per cent. bonds of the State, for the use of the State bank, on the 29th day of August, 1838. They were sold to J. D. Beers, president of the North American Trust and Banking Company of the city of New York—the proceeds of the sale (with the exception of some $50,000 brought on to place in the branch of the State bank at Arkansas, and some small payments made for the State bank in New York and elsewhere,) were drawn for by the bank and branches, at such times and in such sums as they required.

Int'g. 7th. Who were the directors of the State bank, at Little Rock, in 1838?

Ans. The legislature, in the fall of 1838, elected as directors of the State bank at Little Rock, Sam'l M. Rutherford, David Fulton, Peter T. Crutchfield, Lambert Reardon, Charles P. Bertrand, F. W. Trapnall, John W. Johnson, Lorenzo Gibson, Thomas Thorn, William Gilchrist, John Anderson and James B. Galloway; and William Field as president. The whole were elected for two years, and until their successors were elected and qualified.

Int'g. 8th. Were any of the directors above named members of the legislature in 1840?

Ans. I think Lorenzo Gibson was a member in 1838—in 1840, Charles P. Bertrand and Lorenzo Gibson were members of the legislature.

Int'g. 9th. At what rate was the exchange on New York derived from the sale of the six per cent. bonds sold by the State bank?

Ans. The first exchange sold at 10 per cent. premium for the post notes of the bank, and 2½ per cent. premium for specie. The exchange gradually declined, until it got down to from 4 to 2 per cent.

WM. FIELD.

The following is the evidence of William E. Woodruff:

Interrogatory 1st, by A. H. Sevier. At what time did the banks of the south and west resume specie payments, after the 1st Sept., 1838?

Answer. Agreeably to the best of my recollection, all the strong banks of the south and west resumed specie payments on or before the 1st of January, 1839—tho' a good many of them, I believe, resumed some weeks earlier. By *strong banks*, I mean such banks as resumed at all. The Brandon and a few others, I believe, did not resume.

Int'g. 2d, by A. H. Sevier. What was the rate of discount at New Orleans, on the notes of the west and south, about the time the Real Estate bank went into operation?

Ans. By reference to the Arkansas State Gazette, of 21st November, 1838, I find an article under the head of "New Orleans Money Market," dated 7th same month, in which I find the following quotation:

Louisville, Cincinnati, Illinois and Indiana banks,	par.
U. S. bank notes,	¾ a 1 prem.
U. S. treasury notes,	2 a 2½ "
Mississippi river banks, Tenn. banks,	5 a 6 dis.
Alabama banks,	4 a 5 "
Arkansas "	8 a 10 "

These quotations correspond with my recollections of the value of banks notes at the time. I recollect, besides, that, when the Real Estate bank commenced discounting, (about 10th December, 1838,) all the notes she issued were payable in specie, on demand. She had a pretty large amount in notes on banks in Cincinnati, Louisville, New Orleans, &c., and those notes were sought by several, if not all, our merchants, with avidity, in exchange for specie at par. I was a director of the bank at the time, and believe that every dollar of the notes on the banks above named, were passed off at par, or at a premium of 1 or 2 per cent. for her own notes, which were payable in specie.

Col. Chester Ashley sworn. States, he was in New York as a commissioner to sell bonds issued by the State of Arkansas to the State bank, in the months of July, August, September and October, 1838, during a portion of which time, Col. A. H. Sevier and Thos. T. Williamson were in that city to sell bonds of the State issued to the Real Estate bank, and during the period of time that I was there, I spent much time with these gentlemen, and I state that they severally devoted themselves assiduously to the duties in which they were engaged; and the commissioners for the sale of the bonds issued to the State bank received very efficient aid in effecting the sale made by this deponent and his associates.

After the sale made by Col. Sevier and Williamson, I received $2000 of these gentlemen, for which I gave a memorandum to account to the Real Estate bank, and did so immediately on my return to Little Rock. It was furnished me at my request, and the only object of that request was the fear that I might not have sufficient money to pay personal expenses, and make reasonable purchases desired by me. And understanding the commissioners of the Real Estate bank were proposing to bring money to the State, and the commissioners of the State bank having been directed to make deposites of the moneys they might receive. I paid interest and premium on the amount I then received, to the bank.

While at the east, I became well acquainted with W. W. Corcoran, of Washington city, and having business transactions with him, I satisfied myself that he was a gentleman of high standing, and of undoubted probity. He was a broker, doing business on a large scale there.

While acting as commissioner, I made diligent enquiry as to the mode of disposing of stocks, and found that the aid of a broker was deemed indispenasble, and that no contracts had been made in New York for the sale of stocks by commissioners without the aid of a broker, so far as I could learn, and after trying for several weeks, Mr. Bertrand and myself, two of the State bank commissioners, contracted to give Mr. Delafield, a broker in New York, one per cent. to effect a sale of the million of dollars entrusted to us by the State bank; but reserving to ourselves the right to sell, if we found opportunity in the mean time; and limiting the time within which he was to effect a sale, during which time we ascertained we could sell ourselves, and immediately on the expiration of the time allowed to Delafield, we did sell. I deem this sale without the intervention of a broker wholly accidental.

I understood, while in New York, from the Wall street brokers, that our sale and the one made by the Real Estate bank commissioners to J. D. Beers, of one million, were the only two effected without the assistance of brokers.

While in New York, I found large quantities of stock for sale, and great efforts made to get them disposed of, and stocks of Mississippi, Alabama, and I believe of Michigan, and some other States, were sold while our commissioners were there. The Mississippi stocks were disposed of through the aid of Robert McAllister, and all the others through the aid of other brokers, as I then understood.

For my services as commissioner, from 1st July to about 1st December, 1838, nearly all of which time I was employed in making sale of the State bonds, I received, by order of the several boards of the State bank, $1600, and the principal bank also paid me $200; both of which sums I did not then, and do not now, deem at all adequate compensation for services rendered. I did then, and still do, believe I was justly entitled to at least $5000.

Chester Ashley further states, on oath, that he arrived in New York about the 20th of July, 1838, and within a short time thereafter, he accompanied Col. Sevier and Williamson to Washington city. The object of the trip on the part of Cols. Sevier and Williamson was to make sale of the bonds of the Real Estate bank to the secretary of the treasury, who was, as deponent understood, authorized to invest the proceeds of the Smithsonian legacy in State stocks. After our arrival in that city, this deponent found that the Real Estate bank commissioners had made propositions to the treasury through the aid of Mr. Harris and Mr. Corcoran, and therefore voluntarily stated to those gentlemen he would make no disposition of the bonds issued to the State bank.

This deponent understood that the sale was effected principally by the aid and assistance of said Corcoran, the precise terms of which sale this deponent has no means of knowing, except such as are to the committee.

And deponent further states, after his return to New York city, from Washington, Mr. Bertrand and deponent effected a sale of the million of bonds confided to them, to John D. Beers, of New York. And one of the inducements of Beers to purchase the said million, and also the million issued to the Real Estate bank, as stated by said Beers, was, that the State of Arkansas having effected a sale to the government, was strong evidence that the bonds of Arkansas were entitled to the highest credit, and would enable him (Beers) to sell those bonds on better terms in Europe; and deponent has no hesitation in stating his belief, that the sale to the treasury of the $500,000, made by the Real Estate bank commissioners, enabled the commissioners of the Real Estate bank, and the State bank, to effect the sale of the $2,000,000 to said Beers. At the time of the sale of the bonds aforesaid, the State bank had been in operation for some months, its capital formed principally of the surplus revenue, deposited with the State by the general Government, and of the avails of the sale of some $100,000, or more of the State bonds, sold by Capt. Brown to the War Department was also frequently referred to by said Beers, as enabling him to make better sales in Europe, of Arkansas State bonds, the State bank being at the time, the depository of the public moneys of the State, and its notes receivable in payment of all public dues.

Some five months after the sale of the State bonds to said Beers, the stock of Arkansas fell below par, and as deponent believes, have remained below par ever since.

All the foregoing statements made in answer to questions asked of deponent.

The following is the evidence of Isaac Baker:

Int'g. 1st. Were you attorney for Benj. Johnson and A. H. Sevier, in certain suits for obtaining titles to lands owned or claimed by them, and mortgaged to the Real Estate bank for stock?

Answer. I was attorney for Benj. Johnson, in some ten or twelve cases, wherein bills were filed for titles to land, and my understanding was that some of the cases related to land conveyed by Judge Benj. Johnson to Col. A. H. Sevier, and by the latter, mortgaged to the bank. I did not, that I recollect, compare the numbers of the land mortgaged with the numbers stated in the bill; but have no doubt of the fact, having had frequent conversations on the subject, with both Judge Johnson and Col. Sevier, and having been reminded, while attorney for the bank, that the titles of Col. Sevier depended upon the issue of those suits.

Int'g. 2d. Why were those suits not disposed of sooner, or was there unusual delay?

Ans. They were not disposed of in 1836 and 1837, because, as I understood from Judge Johnson, the certificates and other papers which were necessary exhibits in the bills, were in the general land office at Washington. In 1838 and 1839, Euclid L. Johnson was on the bench as the judge of the court wherein they were pending, and being a relative of Judge B. Johnson and Col. A. H. Sevier, he was under the constitution, incompetent to sit. I succeeded Euclid L. Johnson in the latter part of 1839, and having been of counsel in the cases, was liqewise constitutionally incompetent to render a decree.

The cases or such of them as were terminated by a decree, were determined either before Judge Sebastian, who interchanged with me for the purpose of deciding such cases, or by a special judge, appointed for that purpose. ISAAC BAKER.

E. L. Johnson being duly sworn, deposeth and says as follows:

I was elected judge of the second judicial circuit of the State of Arkansas, at the call session of the legislature of said State, in the winter of 1737, to fill the vacancy created by the resignation of De La F. Royston. At the first term of the circuit court of Chicot county, after I was elected judge, I found upon the docket of said court, petitions or bills in chancery, filed by Benjamin Johnson, and some by A. H. Sevier, for title for land in Chicot county. Two of those cases I recollect, was against Parks and Mays—I am not certain, but I believe those cases were commenced just before I was elected judge, or at any rate, they were commenced directly after. When those cases came up before me for trial, I had to continue them, and certify my incompetency to sit in those cases, in consequence of my relationship with A. H. Sevier's wife. I will also state, that those cases continued in the same situation, until I resigned my judgeship, which was in the summer of 1839. There being no judge at any term of the court, qualified to sit in those cases. There was no defence of any kind to those petitions. Sevier was at all times anxious for a decree, and as far as I know or believe, he used every effort in his power to procure the same. E. L. JOHNSON.

Charles Rapley being duly sworn, deposeth and says:

Int'g. 1st. Were you a director of the Real Estate bank at Little Rock, in 1838, and were you one of those who drew up the instructions for the sale of the bonds of the Real Estate bank, by A. H. Sevier and T. T. Williamson, and after they had disposed of those bonds, did you think said commissioners had exceeded their instructions, or not?

Ans. I was a director. Messrs. A. H. Davies, Sam C. Roane and myself composed the committee appointed by the finance committee or board, do not recollect which, to draw up instructions to the commissioners, for the sale of the bonds. After the bonds had been sold, and an account current rendered to the board or finance committee, they appeared to be fully satisfied with the disposition of them.

Int'g. 2d. Did you see any thing at the time, or since, the filing of the tables of those sales, to induce you to believe that the commissioners profitted or speculated upon the exchanges?

Ans. I did not, nor do I believe such a charge.

Int'g. 3d. Did the bank make profits upon the money exchanges by the commissioners, and if so, state what it was?

Ans. The bank sold her eastern exchanges at two and a half per cent.—the Cincinnati and Lousville exchanges at two per cent., and exchange on New Orleans at one per cent. The Mississippi money was disposed of at no premium. The Mississippi money, or a part of it, as well as I can recollect, was deposited in some bank in Mississippi, upon which checks were drawn, and for which no premium was paid. Having occasion to examine the books of the Real Estate bank, at Little Rock, some time since, I found an account current of Jas. De Baun, who had been appointed by the board to make settlement with the bank in Mississippi, in which the Mississippi bank paper had been deposited. I found that the Real Estate bank at Little Rock had drawn all out of the Mississippi bank, with the exception of some ten or twelve thousand dollars, which amount was withdrawn by Mr. De Baun, and sold by him at a loss of some eleven hundred dollars. Upon the whole operation, there was a gain in the exchanges. I allude to the money exchanges of the principal bank. Having no access to the books of the branches, I cannot speak of them.

CHAS. RAPLEY.

District of Columbia, }
County of Washington. } ss.

I certify that on this thirty-first day of March, A. D. 1843, before the subscriber, a justice of the peace in and for said county, duly commissioned and qualified, personally appeared William W. Corcoran, of said county, of lawful age, and personally well known to me, who being duly sworn on the Holy Evangelist of Almighty God, deposeth and saith:—That he entered into a contract with General T. T. Williamson and Colonel A. H. Sevier, to dispose of five hundred bonds of the State of Arkansas, to the secretary of the treasury of the United States, for the Smithsonian legacy, and to invest a portion of the proceeds of the said bonds into bills of exchange and other funds, upon the west and south, in the month of August or September, 1838—that under the said contract he did dispose of those bonds, and made the contemplated investments, and that for his services in thus making the disposition of those bonds and those investments, the said Williamson and Sevier, as commissioners, paid to him, the affiant, the sum of five thousand dollars, or one per cent., and no more in any shape or form whatsoever. The said Corcoran further states that he made the said sale and investments, on the best and most advantageous terms that he could for the Real Estate bank, and that to the best of his recollection and belief, his account of those investments as printed in the "Arkansas State Gazette," of the 18th of January, 1843, with the exception of the heading of the last column, which should be "cost" instead of "lost," truly exhibits those investments, and that every cent thus obtained, was paid over by him to the said commissioners, Williamson and Sevier, in the city of New York, on the 19th day of September, 1838, at the time of the departure of Col. Sevier, with those funds for the west; and, that all the money was then and there counted by the said Corcoran and said commissioners, with the exception of one sealed bundle of bank notes, which was secured by the seal of Jacob Little & Co., the brokers of whom it was purchased. That this bundle was not counted for want of time as the delay which would have been occasioned thereby, would have detained Colonel Sevier until it would have been too late for him to have left in the boat, and have thus postponed his deeparture until the next day; and that on that account alone the bundle was not then counted or opened, but was left sealed, and the words "not counted," and the signatures of the said Williamson and Corcoran were written across the seals.—And that he has understood that when the said bundle was opened and counted in Louisville, it was then discovered that there was an error in the amount, as it contained four thousand dollars less than was believed and marked to be therein, and that said error having also been discovered by the brokers from whom the money was purchased, the mistake was corrected by them, and the amount thereof sent to the president of the bank, as this affiant was informed and believes.—The affiant further declares that the rates of discount at which he made the purchases, are truly and correctly stated in the account thereof, which he rendered to the said commissioners, and that in no case did he purchase or invest at a different rate from that so stated—and he also refers to the annexed letters to him, one from John Ward & Co., of the 7th March, 1843, and the other of the 20th March, 1843, from Jacob Little & Co., and also to his accompanying cancelled checks, as described in the annexed list thereof, as evidence thereof. And further the deponent saith not.

W. W. CORCORAN.

Subscribed and sworn to before me this
31st day of March, A. D. 1843.
SAMUEL D. KING, J. P.

List of cancelled Checks of William W. Corcoran, referred to in the foregoing affidavits.

Date.	*In favor of.*	*Upon what Bank.*		*Discount.*	*Amount.*
1838, Sept. 5,	M. Allen,	North American Trust and Banking Company,			6,599 15
		For check on New Orleans for	$6,847 36	3⅝ pr. ct.	
7,	J. Little & Co.,	Merchants,			1,233 23
		For check of	1,340 46	8	
		"	16,400 59	3¾	15,785 58
		"			9,850
		"			20,000
		For draft on New Orleans,	$40,900	4	
		North American Trust and Banking Co.,			19,264
8,		For draft on New Orleans,	$45,000	6½	
		do on Cincinnati,	10,000	1¼	26,605
		do on Mississippi notes,	2,526	7¾	29,000
10,	Chanley & Wheeler,	For Tennessee Funds,	$4,203 60	6¾	3,919 86
15,	C. N. Mills & Son,	For Louisiana do	1,067	4¾	1,016 31
	J. Ward & Co.,	For Cincinnati do	11,592 63	1⅝	11,404 25
17,	Bank of America,	do do	13,800	1¼	13,627 50
	J. Ward & Co.,	Cincinnati do	20,686 13	1¼	20,427 56
	Mills & Son,	Mississippi do	3,700	7¼	3,431 75
19,	T. T. Williamson, and A. H. Sevier.	Balance due commissioners,			233,445 78

New York, March, 20th, 1843.

WM. W. CORCORAN, ESQ.:

Dear Sir—We connot find any thing very definite, and we fear satisfactory, relative to our transactions with you in September, 1838. The following, however, we submit to you as the only memo. we have:

"Sept. 7, 1838,	$40,900			
4, do	1,636			
		$39,264		
	16,000 55			
	615 01			
		15,385 54	Corcoran."	
Sold Corcoran:				
Drf't N. O. 10 days,	20,000			
15 do	25,000			
		45,000		
	3½	1,575		
			$43,425	
Cincinnati,	10,000			
1½	150			
			9,850	
Drf't Natchez,	900			
Ct'f Plant. bk. Jackson,	850			
Ag'r bk. Pontotoc,	276			
Commercial bk. Natchez,	500			
		2,526		
	7¾	195 76	2,330 24	
			$55,605 24	

Please say if the above is what you are anxious to obtain.

We have received Mr. Corcoran's Ky. letter of 17th, with enclosure.

Yours, JACOB LITTLE & CO.
Pr. S. W. B.

The following drafts on the different banks named, were given by W. W. Corcoran, and accepted:

NEW YORK, Sept. 5th, 1838.
North American Trust and Banking Company, pay to M. Allen or bearer: $6,499 15

NEW YORK, Sept. 7th, 1838.
Cashier of the Merchant's bank, pay to J. Little & Co., or bearer: 1,233 23

NEW YORK, Sept. 7th, 1838.
Cashier of the Merchant's Bank, pay to J. Little & Co., or bearer: 15,785 58

NEW YORK, Sept. 7th, 1838.
Cashier of the Merchant's bank, pay to J. Little & Co., or bearer: 9,850 00

NEW YORK, Sept. 7th, 1838.
Cashier of the Merchant's Bank, pay to J. Little & Co., or bearer: 20,000 00

NEW YORK, Sept. 8th, 1038.
North Amercan Trust and Banking Company, pay to J. Little & Co., or bearer: 19,264 00

New York, Sept. 8th, 1838.	North American Trust and Banking Company, pay to J. Littlle & Co., or bearer,	26,506 24
New York, Sept. 8th, 1838.	North American Trust and Banking Company, pay to J. Little & Co., or bearer:	29,000 00
New York, Sept. 10th, 1838.	North American Trust and Banking Company, pay to Messrs. Chanley & Wheler, or order:	3,919 86
New York, Sept. 15th, 1838.	North American Trust and Banking Company, pay to C. N. Mills & Son, or bearer:	1,016 31
New York, Sept. 15th, 1838.	North American Trust and Banking Company, pay to Jno. Ward & Co., or bearer:	11,404 25
New York, Sept. 17th, 1838.	North American Trust and Banking Company, pay to Bank America, or bearer:	13,637 50
New York, Sept. 17th, 1838.	North American Trust and Banking Company, pay to Jno. Ward & Co., or bearer:	20,427 56
New York, Sept. 17th, 1838.	North American Trust and Banking Company, pay to Messrs. Mills & Son, or bearer:	3,431 75
New York, Sept. 19th, 1838.	North American Trust and Banking Company, pay to Messrs. T. T. Williamson & A. H. Sevier, or bearer:	233,445 78

W. W. Corcoran, Esq.:—Dear Sir—We find on examining our books, that we sold you, on the 15th September, 1838, our draft on H. H. Goodman & Co., Cincinnati, for $11,592 63, at one 5-8 per cent. disc't; and on the 17th of the same month, a draft on the same parties for $20,686 13, at 1 1-4 per cent. disc't.; for which you paid us in New York funds.

Respectfully, &c.,

JOHN WARD & CO.

New York, 7th March, 1843.

EXHIBIT [A.]

Messrs. T. T. Williamson and A. H. Sevier, commissioners, in account with W. W. Corcoran, Washington.

Dr.	*Funds.*	*Dis.*	*Amount.*	*Credits.*	*Costs.*
To		*p. c.*			
New Orleans notes,	2,575	4	103		2,472
do	585	4⅝	27 05		557 95
do	40,900	4	1,636		39,264
Drafts,	16,400 59	3¾	615 01		15,785 58
do	2,378 77	3¾	89 19		2,289 58
do	6,847 36	3⅝	248 21		6,599 15
do	45,000	3½	1,575		43,425
Cincinnati drafts,	20,721 87	1½	310 83		20,411 04
do	700	2	14		686
Natchez drafts,	498	8¾	43 57		454 43
do	1,340 46	8	107 23		1,232 23
do	3,026	7¾	234 51		2,791 49
do	8,731 60	7½	654 87		8,076 73
Nashville notes,	800	7	56		744
Tennessee,	4,203 60	6¾	283 74		3,919 86
Cincinnati,	11,592 63	1⅝	188 28		11,404 25
do	1,500	1¾	26 25		1,473 75
do	1,500	1½	22 50		1,477 50
do	13,800	1¼	172 50		13,627 50
do	20,686 13	1⅓	258 57		20,427 56
do	250		4		246
Louisiana,	1,067	4¾	50 69		1,016 31
do	300	3½	10 50		289 50
do	1,105	3¾	41 43		1,063 57
Mississippi,	669	7½	50 17		618 83
do	7,740	7¼	561 15		7,178 85
do	3,700	7¼	268 25		3,431 75
$300 do	6,200	7⅜	457 25		5,742 75
int. $8 55 do	308 55	7	21 60		286 95
do	10,600	7¼	768 50		9,831 50
do	2,501 60	7	175 11		2,326 49
do	2,826 74	7⅞	222 62		2,604 12
Arkansas,	330	10	33		297
Trea's check on L'ville	29,500				29,500
Check on T. N. A. Co.,					233,445 78
	$270,884 90				
Cr. By sale of 500			$9,330 68		
Ark's bonds at $1,000,				500,000	
Less 1 pr. ct. commis.,				5,000	
				$495,000	$495,000 00

W. W. CORCORAN.

E. E. New York, Sept. 19th, 1838.

The interest on the five hundred bonds sold to the secretary of the treasury, from the date to the day of sale, will, when received by me, be paid to Messrs. Sevier and Williamson, commissioners.

W. W. CORCORAN.

Sept. 19th, 1838.

I certify the above and foregoing to be truly copied from the original paper on file in the Real Estate bank, by order of the committee

THO'S W. NEWTON,
Cash. & Sec'y.

25th November, 1842.

EXHIBIT [B.]

Messrs. T. T. Williamson and A. H. Sevier, commissioners, in account with W. W. Corcoran.

Dr.	*Funds.*	*Dis.*	*Amount Disc't.*	*Costs.*
To				
New Orleans notes,	2,575	4	103	2,472
do	585	4⅝	27 05	557 95
do	40,900	4	1,636	39,264
Drafts,	16,400 59	3¾	615 01	15,785 58
do	2,378 77	3¾	89 19	2,289 58
do	6,847 36	3⅝	248 21	6,599 15
do	45,000	3½	1,575	43,425
Cincinnati drafts,	20,721 87	1½	310 83	20,411 04
do	700	2	14	686
Natchez drafts,	498	8¾	43 57	454 43
do	1,340 46	8	107 23	1,233 23
do	3,026	7¾	234 51	2,791 49
do	8,731 60	7½	654 87	8,076 73
Nashville notes,	800	7	56	744
Tennessee,	4,203 60	6¾	283 74	3,916 86
Cincinnati,	11,592 63	1⅝	188 38	11,404 25
do	1,500	1¾	26 25	1,473 75
do	1,500	1½	22 50	1,477 40
do	13,800	1¼	172 50	13,627 50
do	20,686 13	1¼	258 57	20,427 26
do	250		4	246
Louisiana,	1,067	4¾	50 69	1,016 31
do	300	3½	10 50	289 50
do	1,105	3¾	41 43	1,063 57
Mississippi,	669	7½	50 17	618 83
do	7,740	7¼	561 15	7,178 85
do	3,700	7¼	268 25	3,431 75
do	6,200	7⅜	457 25	5,742 75
do	308 55	7	21 60	286 95
do	10,600	7¼	768 50	9,831 50
do	2,501 60	7	175 11	2,326 49
do	2,825 74	7⅞	222 62	2,604 10
Arkansas,	330	10	33	297
Draft of Treas'r U. S. on L'ville,				29,500
J. L. Dawson's note,				2,050
L. Reardon's do				1,000
C. Ashley's do				2,000
J. M. Moore's order on L'd office,				300
Also this sum in N. Y. funds,				16,300
				$285,804 22

(Signed,) A. H. SEVIER,
TH. T. WILLIAMSON.

STATEMENT.—*Am't of funds.*	*Dis't.*	*Am't of dis't.*	*Cost in other funds.*
$292,534 90		9,330 68	283,204 22
		Error in addition of cost	2,600
			$285,804 22

Have this copied
WILLIAMSON.

I certify the foregoing to be truly copied from the original paper on file in the Real Estate bank, by order of the committee.

THOMAS W. NEWTON,
25th November, 1842. 6 *Cash. & Sec'y.*

EXHIBIT [C.]

This investment was made by Thos. B. Lee, for Thos. T. Williamson, commissioner of the Real Estate bank of the State of Arkansas.

	Amount purchased.	*Rate of disc't.*	*Am't of disc't.*	*The amount paid.*
Kentucky,	32,790 18	$1\frac{3}{4}$	573 82	32,216 36
do	4,000	$1\frac{1}{2}$	60	3,940
do	1,522	$1\frac{3}{4}$	26 64	1,495 36
Mississippi,	63,185 78	$7\frac{3}{4}$	4,896 90	58,288 88
New Orleans,	42,543 77	$2\frac{3}{4}$	1,169 97	41,373 80
do	10,000	$2\frac{3}{8}$	237 50	9,762 50
do	3,670	$2\frac{1}{2}$	91 75	3,578 25
do	20,850	$2\frac{1}{4}$	469 12	20,380 88
do	6,876	$2\frac{1}{4}$	154 71	6,721 29
Arkansas,	440	$9\frac{3}{4}$	42 90	397 10
do	170	$9\frac{1}{4}$	15 72	154 28
do	60	3	1 80	58 20
do	30	$2\frac{3}{4}$	83	29 17
Tennessee,	640	$4\frac{3}{4}$	30 40	609 60
	$186,777 73		$7,772 06	$179,005 67

In addition to the above, I have $16,000 in checks on New Orleans, received from Col. W. I have received in addition to the above, $71,993 72 in New Orleans money, from A. H. Davies. I have delivered $10,480 66 of Kentucky money, and $63,185 78 of the Mississippi has been handed to A. H. Davies, Esq., and $26,309 52 of the Kentucky money has been deposited in the bank of Kentucky to the credit of the Real Estate bank of the State of Arkansas, and $1,522 of the Kentucky money has been handed to Col. Williamson, together with $700 in Arkansas State bank, and $640 in Tennessee.

(Signed,) THOS. B. LEE.

8th November, 1838.

I certify the foregoing to be truly copied from the original paper on file in the Real Estate bank, by order of the committee.

THOS. W. NEWTON,
Cashier & Secretary.

25th November, 1842.

EXHIBIT [D.]

Rec'd, Louisville, October 8th, 1838, from Messrs. Thomas T. Williamson and Ambrose H. Sevier, commissioners, by the hands of the latter, the following funds, being an investment made by them, out of the proceeds of the sale of five hundred bonds, of one thousand dollars each, of the State of Arkansas, sold for acconnt of the Real Estate bank of the State of Arkansas.

Louisiana Funds, viz:

Certificate of deposite on the bank of La. to order Liggitt & Fox (br. at Alexandria,)	$1,067 00	
Certificate of deposite of the bank of La. to order Gravely & Marks,	318 43	
Certificate of deposite of the bank of La. to order N. Lockwood,	350 00	
		1,735 43
Certificate of deposite, Citizens' bank La., C. M. Connelly,	500 00	
do. do. do. Jas. Van Dyke,	800 00	
do. do. do. J. Button & Co.,	115 00	
Check F. W. Edwards, cashier, on Citizens' bank, La., D. Taylor & Son,	709 37	
Check F. W. Edwards, cashier, on Citizens' bank, La., D. Taylor & Son,	698 62	
Certificate of deposite, Citizens' bank, La., Henry Leber & Co.,	1,500 00	
		4,322 99
Certificate of deposite, Canal & Bk'g Co., Elliott, Babcock & Burnap,	437 00	
Certificate of deposite, Canal & Bk'g Co., Wm. W. Lyon & Co.,	1,500 00	
Certificate of deposite, Canal & Bk'g Co., Sam'l Van Wyck & Co.,	633 96	
Certificate of deposite, Canal & Bk'g Co., Beverly Snyder & Co.,	702 50	
Certificate of deposite, Canal & Bk'g Co., Trowbridge, Dwight & Co.,	7,000 00	
Certificate of deposite, Canal & Bk'g Co., Conner & Cooke,	171 00	
Certificate of deposite, Canal & Bk'g Co., H. Memdell & Co.,	222 75	
Certificate of deposite, Canal & Bk'g Co. G.P.Hewett	269 93	
do do do do J. A. Horton	367 50	
do do do do Trowbridge, Dwight & Co.,	300 00	
do do do do Levi Cook & Co	300	
		5,905 04
Certificate of deposite, Atchafalaya R. R. & B. Co., Smith & Voorhees,	570 34	
Certificate of deposite, Atchafalaya R. R. & B. Co., Smith & Voorhees,	100	
		670 34
Check br. St. bk. Indiana at N. Albany, on Union bk. Louisiana,	71 03	

EXHIBIT [E.]

Certificate of deposite, Union. bk. La. Patten, Donegan & Co.,	2,000 00	
Certificate of deposite, Union bk. La. Patten, Donegan & Co.,	2,000 00	
Certificate of deposite, Union bk. La. J. F. Cornell,	2,500 00	
Check, A. S. Frazier, cashier do Sam'l Brown,	371 00	
Check, Walter Mead, cashier do Buh & Amrulaney	180 00	
Certificate of deposite of Union bk. La. order of Ch's N. Mills,	300 00	
		7,422 47
Do. Mechanics & Traders' bk. order of J. B. Mitchell & Co.		232 36
Do. Commercial bk. order of Blackwell, Thorn & Co.,	1,000 09	
Check, M. Leonard cashier, on Com. bk. J. & G. Books & Co.,	502 04	
Certificate of deposite on Com. bk. Taylor & Hudson	305 25	
Check, M. Leonard, cashier do do	746 38	
Certificate of deposite, do M. Waldo,	200 00	
do do Com. bk. Norman, Steele & Co.	300 00	
Check, M. Leonard, cashier, do. O. T. & J. Hewlet,	400 00	
		3,453 67
Certificate of deposite, bk. Orleans, J. S. Gregory,	500 00	
do do do A. Morrill & Co.	125 00	
do do do Wm. Wells,	200 00	
		825 00
do. Carrolton R. R. bk., Thos. C. Moore,	529 84	
do Exchange and bk'g Co., Wm. Gardner & Co.,		75 72
Certificate of deposite, Ct'y. bk. N. O., J. M. Whitehead,	734 77	
do do do Stokes & Co.,	173 37	
do do do Haydock Corlies & Co.	212 72	
do do do N. C. Folger,	400 00	
		1,520 86
Draft, Sam'l Toby on Thos. Toby & Brother,	300 00	
Do. Jacob Little & Co. on Horace Bean & Co., W. W. Corcoran,	25,000 00	
do do do do do do	20,000 00	
		45,300 00
Total drafts, checks, and certificates of deposite,		$71,993 72
Cash, viz: 1 bundle containing,	585 00	
1 do do	2,575 00	
1 do do	1,105 00	
		4,265 00
1 package marked and labelled as containing 40,900 dollars, which, on examination, was found to contain only 36,900 dollars, in 18 several parcels, as follows: 1,200, 500, 500, 2,000, 1,000, 700, 1,900, 500, 1,000, 5,000, 5,000, 5,000, 5,000, 1,000, 1,000, 1,000, 1,700, 2,900 say,		36,900 00

EXHIBIT [F.]

The parcel containing $2,900 was marked $6,900.

Total Louisiana funds,			$113,158 72
In Mississippi Funds, as follows, viz:			
Check, A S. Frazier, Cashier 7th Ward bank, New York, on Planters' bank Vicksburg,		2,501 60	
Check, Jacob Little, on Planters' bk. Natchez,		900 00	
Certificate of deposite, order Geo. Poindexter, Pl. bank, Natchez,		850 00	
Do. order H. & F. A. Trowbridge Com'l bk. Nat'z,		498 00	
Do. do. Dwight & Trowbridge, do. do.		1,340 46	
Do. do. J. R. Burke, do. do.		500 00	
Do. do. J. King, do. do.		500 00	
Do. do. Smith & Wright, do. do.		2,470 00	
Do. do. E. A. Mitchell, do. do.		278 00	
Do. do. H. Janeson, do. do.		500 00	
Do. do. do. do. do.		1,000 00	
Do. do. W. H. Kelly, do. do.		3,400 00	
Do. do. Lynd Dowell, do. do.		202 00	
Do. do. Huntingdon & Campbell, Agr'l bk. do.		276 00	
Do. do. George Potts, do. do.		881 60	
Do. do. Geo. W. Tyson & Co., Com. & RR. bank Vicksburg,		300 00	
		$16,397 66	
Draper, Toppan & Longacre, draft on Beaumont, Cashier Mississippi Shipping Company,		467 39	
Do. on E. F. Frazier, Cash'r Mi. R. Road Co.,		2,359 35	
Total drafts, checks and certificates of deposite,		$19,224 40	
Cash, viz: 1 bundle containing	$289 1,000 6,200		
1 " "	10,600		
1 " "	5,725		
1 " "	1,015		
1 " "	380		
1 " "	3,700		
		28,909 00	
			$48,133 40
In Tennessee funds, viz:			
H. Trevor, Cashier, check on Union Bank of Tennessee, order H. Farran & Co.		1,389 84	
Do. do. do. do. do.		1.403 42	
Do. do. do. do. do.		1,410 34	
Cash, 1 package, containing		800 00	
			$5,003 60
In Arkansas Funds, viz:			
Moore's check on Receiver land office Little Rock,		300 00	
Cash,		330 00	
			630 00
In Louisville & Cincinnati Funds, viz:			
Chk, J. B. Trevor, Cash'r Phil bk on Miami Expt Co.		1,500 00	

EXHIBIT [F.]—CONCLUDED.

Check, D. Thompson, Cash'r Bank America on Frank. bk. Cincinnati,	13,800 00	
Check, J. Hodges, Cash'r Arcade bank Prov. on Com'l bk. Cin,	721 87	
Certificate of deposite, Ohio Life In. & Trust Co., W. R. Johnson,	700 00	
Draft, J. Little & Co. on John Bates & Co. Cin.,	10,000 00	
Do. do. do. do.	10,000 00	
Do. John Ward & Co. on H. H. Goodman & Co. Cin.,	20,686 13	
Do. do. do. do.	11,592 63	
N. G. Ogden, Cash'r, check on bk. Ky. Lou.	1,500 00	
Warrant Treasurer U. S. on do. do.	29,500 00	
Cash,	250 00	
		100,250 63
		267,176 35
James L. Dawson's receipt,	2,050 00	
L. Reardon's do.	1,000 00	
Chester Ashley's do.	2,000 00	
		5,050 00
		$272,226 35

Say two hundred and seventy-two thousand two hundred and twenty-six dollars and thirty-five cents.

(Signed duplicates),

A. H. DAVIES, *Pres't*

Real Estate Bank of the State of Arkansas.

Add Jacob Little's draft on H. Been & Co., New Orleans, this latter received by mail,	4,000 00
	$276,226 35

I certify the foregoing to be truly copied from the original paper, on file in the Real Estate bank.

By order of the committee, 25th Nov., 1842.

THO'S. W. NEWTON, *Cash'r and Sec'y.*

[COPY.]

Received from Thomas T. Williamson and Ambrose H. Sevier, commissioners, the sum of nineteen hundred and ninety dollars in Arkansas notes, and the further sum of four thousand one hundred and forty dollars, in Peter Hanger's check on the Real Estate bank, for $4000 advanced to him in N. York, and interest and premiums thereon—say the sum of six thousand one hundred and thirty dollars, in addition to amounts heretofore received and receipted for.

(Signed duplicates), A. H. DAVIES, *Pres't.*

Office Real Estate Bank, Little Rock, Dec. 15th, 1838.

I certify the foregoing to be truly copied from the original paper, on file in the Real Estate bank.

By order of the committee, 25th Nov., 1842.

THO'S W. NEWTON, *Cash'r and Sec'y.*

EXHIBIT [G.]

The account of Th. T. Williamson and Ambrose H. Sevier, as commissioners, was presented to the committee, and, on motion, ordered to be placed on the midutes, as follows:

DR. *The Real Estate Bank of the State of Arkansas, in account with Th. T. Williamson and A. H. Sevier, Commissioners.* *CR.*

1838	To cash paid over to A. H. Davies, Pres't, per recp't rendered	276,226 35	
	" do. transferred to N. Orleans and Natchez for deposite, viz:		
	Mississippi, 63,185 78		
	Louisiana, 99,939 77		
	Louisville, 36,790 18	$199,915 73	$476,142 08
	" do. paid over in Ark's money,	1,990	
	" do. " " by P. Hanger in do.	4,140	6,230
	" do. " draft A. H. Davies, Pres't, to pay expenses forwarding bonds,	500	
	" paid Rawdon, Wright & Hatch bill of engravings,	21,143 37	
	" do. paid stationer's bill,	1,833 64	23,477 01
	" am't allowed by central board for services T. T. Williamson, $3,000		5,000 00
	" do. do. A. H. Sevier, 2,000		
	" com. paid W. W. Corcoran for negotiations,		5,000 00
	" balance,		14,872 00
		Dolls.	530,621 09

1838	By proceeds of the sale of 500 bonds of $1,000 each to Hon. Levi Woodbury,		$500,000 00
	" premiums arising from the investment of do. as per account of W. W. Corcoran,	9,330 68	
	" do. do. T. B. Lee,	7,772 06	
	" do. do. W. W. Corcoran,	566 85	
	" interest and premium on $4,000 advanced to Peter Hanger,	140	
	" interest and premium on $14,300 retained by A. H. Sevier, in New York,	572	
	" interest on deferred payment to Rawdon, Wright & Hatch,	422 87	
	" premiums received by T T. Williamson,	35 50	$18,839 96
Dec 15	This amount paid to Th. T. Williamson to refund advance made to Rawdon, Wright & Hatch, New York, (see their bill),		11,781 13
		Dolls,	530,621 09
	By balance, being amount due from A. H. Sevier for funds retained in N. York, interest and prem. after deducting $2,000 allowed for services,		$14,872 00

(Signed) **TH. T. WILLIAMSON,** *Com.*

Little Rock, Dec. 15th, 1838.

EXHIBIT [H.]

On the 20th of February, 1838, instructions were prepared for the commissioners, by A. H. Davies, president of the bank. The parts of the instructions referring to their powers and duties are here subjoined:

Office of the Real Estate Bank of the State of Arkansas,
Little Rock, February 20th, 1838.

Messrs. Thomas T. Williamson
and Ambrose H. Sevier:

Gentlemen—As presiding officer of this institution, on whom has devolved the duty, jointly with a committee appointed by the central board, to draw up such instructions as may appear expedient to govern you in the progress of your mission to New York, to negotiate a sale of five hundred thousand dollars of the bonds of the State of Arkansas bearing an interest of six per cent. issued to this institution to form a part of its permanent capital, I have the honor to communicate the following, as embodying the views and wishes of the board, and the intructions by which you will, as far as practicable, be governed.

Mr. Williamson will proceed with all possible despatch via New Orleans to Washington city, and there join the Hon. A. H. Sevier. At New Orleans Mr. Williamson will avail himself of the opportunity of calling on Mr. James Irwin, and other individuals of that city, eminently connected with the monied transactions of the country, for such information touching the objects of his mission, as may be desirable for him to possess.

It is not improbable that Mr. Irwin will himself be desirous to purchase the bonds; if such should be the case, and his offers are such as to justify a delay, (and of which Mr. W. will be the judge,) having in view the accomplishment of the objects so essentially necessary for the interests of the bank, with regard to the supply of specie and eastern credits, he will immediately advise me at Columbia, and measures will be taken to obtain the action of the central board to carry a contract with him into effect without delay. * * * *

When you have succeeded in making a sale of the bonds, you will without delay, make such disposition of the funds, by deposite in some safe bank, as will enable this institution to realize them on the check of the cashier. It is a part of our present plans to draw for them, and sell our checks at such points in the west as will enable us to exchange our eastern funds at par for specie, and to provide an amount of not less than $200,000 of that kind of funds for the commencement of our operations, and if you can by any operation of your own hasten the exchange, you will do so. * * *

In conclusion, I will add, that should the aspect of things look gloomy on your arrival in New York, and the prospect for a sale, doubtful, do not too soon despair, but wait for time to bring about a more favorable period. Our wants at home, you are aware, are great, and greater at this time than we shall feel again for years, and it is with no ordinary feeling of hope and suspense, that this whole community will await the result of your mission. You of course will leave nothing undone to effect its favorable issue. It is necessary, however, that an eye should closely watch the standing, the interest, and the CREDIT of the State, and unless contracts can be made on terms as favorable by the State of Arkansas, as is made with other young States, great care should be taken to frame the contracts for a sale of our bonds now, in such a manner as will preserve our credit, and not interfere with the sale of our remaining five per cents by taking instalments, dividing the profits of the exchanges, or some other method which throw over the transaction a contingency to protect us. Of these things, however, you must be the judges—being on the spot, you must necessarily know better than ourselves, and with every confidence in your abilities, your prudence and discretion, you are left to follow the dictates of your own judgments, and in all things to act and to do as may seem to you at this time, most meet and proper.

I have the honor, &c A. H. DAVIES, *Pres't.*

EXHIBIT [I.]

On the sixth of June, 1838, further instructions were forwarded to the commissioners. So much as relates to the selling of the bonds, is here subjoined.

OFFICE OF THE REAL ESTATE BANK
OF THE STATE OF ARKANSAS.
Little Rock, June 6th, 1838

Messrs. Thomas T. Williamson and Ambrose H. Sevier:

GENTLEMEN—On your return to New York, as commissioners for this institution to sell the bonds of the State of Arkansas, you will embrace the first opportunity of entering into an arrangement for the disposition of them, either by an advance and consignmeut of them to Europe, or for a sale at once in New York or Philadelphia.

In the event of taking an advance, you will endeavor to obtain the full amount of five hundred thousand dollars, on an agreement to consign the whole amount of $1,500,000, contracting to deliver the remaining thousand bonds in a reasonable time, making sufficient allowance for any probable delay, and conditioning the final payment of the half million of dollars on their delivery. You will, however, make it one of the positive conditions of the contract, that two hundred and fifty thousand dollars be paid in hand, and the remainder of the advance on the delivery of the remaining bonds, on 1st September, should the bonds be delivered before that date. It should also be a part of the contract, that the consignees hold up the bonds for a term of twelve months, if they cannot sooner be sold in London at par. You will, however, feel yourselves authorized by your powers of attorney, to make a contract in New York for a sale in London, so stipulated that the proceeds *realized* in New York, shall be the value received for them. On this point, your previous negotiation will afford you all the necessary items of information, and your knowledge of what is required by the charter of the bank, to make a sale which will comply with its provisions of receiving "not less than par value" will suggest to you the necessity of so wording your contract, as to keep strictly in view that essential particular.

The words "receive not less than par value" will, in the opinion of the board of directors, fully authorize a sale at *less* than par value abroad, if the sale expresses to receive par at home, and the bank realizes "not less than par" from the proceeds of the sale in specie or its equivalent.

Should the opportunity offer of selling the whole amount of one million five hundred thousand dollars, on such terms as you may be induced to dispose of that amount of bonds, you will do so, and as our immediate wants for money, will probably be fully met by a deposite of five hundred thousand dollars at the time specified above, and with a view to facilitate a sale *at once*, you can contract for the payment of the remaining million to be made in instalments, commencing 1st December, and ending 1st March. Our branches will not be ready to receive it earlier and the interest will consequently be saved by arranging the payments to be received at such times as they will most probably be wanted. * *

When you have perfected your arrangements and obtained the funds, you will procure the sum of ten thousand dollars change from the mint at Philadelphia, if it can be had from them, without too much expense and inconvenience, and you will also get the sum of one hundred thousand dollars in gold for the commencement of our operations, both of which amounts you will bring with you on your return to Arkansas.

The remainder of the funds arising from the advance or sale of the bonds, you will have deposited, subject to the check of the cashier or president. * *

As heretofore, you are again left to exercise your own discretion and judgment in all things connected with your mission, and with the hope that it may early terminate favorably,

I have the honor to be your obedient servant,
[Signed] A. H. DAVIES, *President*
R. E. Bank, State of Ark's.

EXHIBIT [J.]

Little Rock, Nov. 16, 1842.

Mr. A. H. Davies—Will you be good enough to inform us if the settlement made by Col. A. H. Sevier, as agent for the Real Estate bank, in the sale of five hundred thousand dollars of State bonds, on account of that institution, was approved by the central board? and if so, did that board accord to him a vote of thanks, for the manner in which he discharged the duties of his agency?

Respectfully, your obedient servant,
A. RUST, *of the Select Committee.*

Little Rock, Nov. 17, 1842.

Gentlemen—In reply to your note of yesterday, requesting me to inform you if the settlement made by Col. A. H. Sevier, as agent for the Real Estate bank, in the sale of five hundred thousand dollass of State bonds purchased by the Hon. Levi Woodbury, for an investment of the "Smithsonian legacy," was satisfactory to the central board of directors, it gives me pleasure to say, that the settlement of the accounts of Messrs. Williamson and Sevier was not only satisfactory to the board, but their entire agency in the negotiation and sale of the bonds disposed of by them, the disposition and arrangement of the funds coming into their hands from such sale, their long and unwearied attention to all the matters connected with their mission, the prompt and faithful manner with which they discharged their every duty connected with it, was such as not only to give entire satirfaction, but to entitle them to the thanks and obligations of the board.

Though your request refers only to Col. Sevier, it is but justice to both gentlemen, that this public avowal should be made.

Very respectfully, your ob't serv't
A. H. DAVIES.

Hon. Messrs. A. Rust and J. F. Gaines.

Little Rock, 26th July, 1843.

I, Stephen S. Tucker, principal clerk of the House of Representatives, do hereby certify that the within letter of A. H. Davies to the gentlemen committee, Rust and Gaines, is a true copy of the original.

STEPHEN S. TUCKER,
Clerk of the House of Representatives.

Shepherd Laurie being duly sworn, deposeth and says:

Int'g. 1st. How long have you known W. W Corcoran, of Washington city; and if you have known him for a considerable time, state whether he is a man of standing, and is he worthy of full credit under oath?

Ans. I have known W. W. Corcoran, (broker in Washington city,) since childhood. I know him to be a man of respectability, and I do not think that any one would say that he was unworthy of belief upon oath? SHEPHERD LAURIE.

Treasury Department, 6*th Feb.*, 1843.

Sir—I have the honor to transmit to you the transcript requested by your letter of the 3d inst.

Respectfully, your ob't serv't,
W. FORWARD, *Sec'y Treasury.*

Hon. A. H. Sevier, *Senate.*

Treasury Department, *Register's Offiee,*
Feb. 6, 1843.

I hereby certify the annexed statement, warrants, and drafts, td be true copies of the originals on file in this office.

T. L. SMITH, *Register.*

Be it remembered, that Thomas L. Smith, Esq., who certified the annexed transcript, is now, and was at the time of doing so, Register of the treasury of the United States, and that full faith and credit are due to his official attestations.

In testimony whereof, I, Walter Forward, Secretary of the Treasury of the United States, have hereunto subscribed my name, and caused to be affixed the seal of this Department, at the city of Washington, this sixth day of February, in the year of our Lord 1843.

L. S.

W. FORWARD,
Secretary of the Treasury.

No. 75,306.

Washington city, Sept. 4th, 1838.

The Secretary of the Treasury of the United States,
To William W. Corcoran *Dr.*

To 500,000 dollars six per cent. bonds of the State of Arkansas, at ninety-nine and nine-tenths per cent., $499,500,000 purchased by the Secretary of the Treasury in trust for the uses specified in the last will and testament of James Smithson, of London, agreeably to the sixth section of an act of Congress, entitled "an act for the support of the Military Academy of the Unitad States, for the year eighteen hundred and thirty-eight, and for other purposes," approved 7th July, 1838.

The above account is correct. and the auditor is requested to state an account in favor of the said William W. Corcoran, for the above sum of four hundred and ninety-nine thousand five hundred dollars, in order that a warrant may issue for the payment of the same.

Sept. 4, 1838. L. WOODBURY.

Treasury warrant, No. 9512. Appropriation,

Treasury Department, to John Campbell, Treasurer of the United States, greeting: Pay to William W. Corcoran, or order, out of the appropriation named in the margin, four hundred and ninety-nine thousand five hundred dollars; being for five hundred thousand dollars of six per cent. bonds of the State of Arkansas, at the rate of ninety-nine and nine-tenths per cent., purchased by the Secretary of the Treasury in trust, for the uses specified in the last will and testament of James Smithson, of London, pursuant to the 6th section of an act for the support of the Military Academy U. S., and for other purposes, approved 7th July, 1838, agreeably to a certificate of the Comptroller of the Treasury, No. 75306, dated 4th September, 1838, recorded by the Register. For so doing, this shall be your warrant.

Smithsonian Institution, founded at Washington, for the increase and diffusion of knowledge among men. [L. S.]

Given under my hand and the seal of the treasury, this fourth day of September, in the year one thousand eight hundred and thirty-eight, and of independence the sixty-third.

LEVI WOODBURY,
Secretary of the Treasury.

$499,500. Countersigned J. N. BARKER, *Comptroller.*
Recorded, 4th. T. L. SMITH, *Register.*

Received payment of the above warrant by drafts,

No. 3170, on Penn. bk. U. S., at bk. of Ky., Louisville,	29,500
" 3171, on Bank of America, N. Y.,	76,000
" 3172, on Manhattan Company, N. Y.,	50,000
" 3173, on Collector, New York,	24,000
" 3174, on Penn. bank, U. S., Philadelphia,	70,000
" 3175, on Collector, Baltimore,	50,000
" 3176 on mint United Statates, Philadelphia,	50,000
	$349,500
" 3225, on Collector, New York,	150,000
	$499,500

W. W. CORCORAN.

Benjamin J. Borden being duly sworn, states as follows:

Int'g. Are the certificate signed T. L. Smith, register, and the certificate signed W. Forward, secretary of the treasury, and the letters of L. Woodbury, correct copies of the original as sent to you to be printed in the Arkansas State Gazette, and published in a number of that paper, dated March 15, 1843.

Ans. They are substantially correct copies; the errors, if any, being only typographical, the original being lost or mislaid.

BENJ. J. BORDEN.

Interrogatories propounded by the committtee, to Peter Hanger.

Int'g. 1st. Were you in the city of New York, in the year 1838, when Gen. T. T. Williamson was there as one of the commissioners to sell the bonds for and on account of the Real Estate bank?

Ans. I was there in the month of October, 1838, as bearer of the bonds to T. T. Williamson.

Int'g. 2d. Will you state to the committee what was the current rate of discount about that time upon southern and western funds in the city of New York?

Ans. I went with Thos. B. Lee, who was purchasing southern bank notes for T. T Williamson, as commissioner, among the brokers on Wall street, upon several occasions, and as well as I recollect, the discount was from eight to fifteen per cent. I do not recollect that I saw any western bank notes purchased by Lee during the time.

Int'g. 3d. State to the committee whether you knew of any copartnership existing at that time between T. T. Williamson and T. B. Lee, either in conducting mercantile business, or in dealing in exchanges or the purchase of depreciated bank paper?

Ans. I knew of no partnership of any kind between them.

Int'g. 4th. Do you know whether T. B. Lee was in the employment of T. T. Williamson in the purchase of southern and western bank notes?

Ans. I understood from Lee that he was employed by Williamson, but never heard him say any thing about the compensation he was to receive.

Int'g. 5th. Did you hear Lee say any thing about the business connection existing between himself and T. T. Williamson, and whether said Williamson was indebted to him?

Ans. I heard Lee say repeatedly that Williamson was indebted to him for the payment of some drafts drawn on him (Lee) by T. T. Williamson, that he had advanced the money to sustain his credit in New Orleans.

Int'g. 6th. Did you mean to say, when you speak of southern and western funds that Cincinnati and Louisville funds were at from eight to fifteen per cent. discount, and do you recollect whether or not the southern and western banks were not paying specie at the time you were in New York with T. T. Williamson; and please state to the committee whether you understood from T. T. Williamson and A. H. Sevier, what their object was in converting the credit they, as commissioners of the Real Estate bank, had, in the North American Trust and Banking Company, into southern and western funds; whether the same was done, as they believed at the time, to facilitate the transmission of the funds to the Real Estate bank, or for their own pecuniary benefit?

Ans. I mean, when I speak of southern paper, only Mississippi. As well as I recollect, none of the Mississippi banks were then paying specie, but were expected to resume specie payment on the first of January, 1839. The western banks, I think, were then paying specie. I heard Williamson say he was instructed by the bank to invest a portion of the proceeds of the sales of the bonds in Mississippi bank notes, as they were expected to resume specie payment soon, and would answer the purpose of many of the stockholders, and thereby make a large profit to the institution. The operation of investment was, as I understand, for the interest of the bank.

PETER HANGER.

I do certify that Peter Hanger was duly sworn by me. and that the above answers by him given were under oath, and that he signed the said examination in my presence, and in the presence of the committee.

JNO. FIELD, *Chairman*
Joint Select Committee.